



# Office of the City Clerk

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## Legislation Text

File #: SO2017-7809, Version: 1

### **SUBSTIIUJE REVENUE 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 of its finances 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 thirteen Articles, as follows:

Article I	Payment Service Fees
Article II	Miscellaneous Tax Sections
Article III	911 Surcharge
Article IV	Change of Officer Fees
Article V	Tobacco Licensing Fees
Article VI	Food Inspection Fees and Fines
Article VII	Environmental Fees and Fines
Article VIII	Building Department Fees and Fines
Article IX	Taxicab Penalty
Article X	Intergovernmental Agreement with the Board of Education of the City of Chicago
Article XI	Intergovernmental Agreement with the Chicago Transit Authority
Article XII	Severability and Repealer
Article XIII	Effective Dates

#### **ARTICLE I. PAYMENT SERVICE FEES.**

SECTION 1. Section 2-32-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **2-32-080 Comptroller - Tax and revenue powers**

*(Omitted text is unaffected by this ordinance)*

G. To accept payments, including made by credit card<sup>^</sup> in categories of receivables designated by the comptroller, and to impose a surcharge on such payments to the extent allowed under the applicable credit card service agreement. Such surcharges, if any, shall not exceed reasonably relate to the average cost incurred by payable to the city to process such payments for credit card transaction. The comptroller shall post

a notice setting forth the amount of applicable surcharges at all places where Credit-card payments are accepted, including electronically for payments made on-line.

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## ARTICLE II. MISCELLANEOUS TAX SECTIONS.

SECTION 1. Section 3-4-186 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

### 3-4-186 Annual returns.

A. For all periods beginning on or after January 1, 2000, returns for taxes and other revenue measures set forth in subsection B. of this section (the "annual return taxes") shall be filed with the department on an annual basis. Each annual return shall be on a form prescribed by the comptroller and shall be filed on or before August 15 of each year. Except for the first annual return due on or before August 15, 2000, which shall cover the period January 1, 2000 to June 30, 2000, annual returns shall report tax liabilities and other applicable information for the 12-month period ending the immediately preceding June 30 (the "annual tax year").

B. The following revenue measures, and such other revenue measures as the City Council may designate in the future, are annual return taxes, the returns for which shall be filed on an annual basis, except as otherwise provided in the ordinances imposing said revenue measures:

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 3-24-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 3-24-020 Definitions - Construction.

A. For the purpose of this chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed in this section:

*(Omitted text is unaffected by this ordinance)*

3.5. "Gross rental or leasing charge" means the gross amount of consideration for the use or privilege of using hotel accommodations in the City of Chicago, valued in money, whether received in money or otherwise, including cash, credits, property and services, determined without any deduction for costs or expenses whatsoever. The term "gross rental or leasing charge" includes any and all charges that the lessee or tenant pays incidental to obtaining the use or privilege of using hotel accommodations, including but not limited to any and all related markups, service fees, convenience fees, facilitation fees, cancellation fees, late departure fees and other such charges, regardless of terminology. The term "gross rental or leasing charge" does not include, but not including charges that are added to the charge or fee on account of the tax imposed by this chapter or on account of any other tax imposed on the charge or fee. The term "gross rental or leasing charge" shall exclude separately stated optional charges not for the use or privilege of using hotel accommodations. The fact that the lessee or tenant could have avoided the charge by obtaining the use or privilege from or through a different owner, manager or operator, pursuant to different terms, or through a course of

performance that would have avoided the obligation to pay the charge, does not make the charge "optional."

*(Omitted text is unaffected by this ordinance)*

5. "Operator" means any person who has the right to rents or leases hotel accommodations to the public for consideration or who, directly or through an agreement or arrangement with another party indirectly, receives or collects the price, charge or rent paid for the rental or lease of hotel accommodations. This term includes, but is not limited to, persons engaged in the business of selling or reselling to the public the right to occupy hotel accommodations, whether on-line, in person or otherwise. The term also includes persons engaged in the business of facilitating the rental or lease of hotel accommodations for consideration," whether on-line, in person or otherwise. The term does not include banks, credit card companies, payment processors or other persons whose involvement is limited to performing functions similar to those performed by such entities.

*(Omitted text is unaffected by this ordinance)*

SECTION 3. Section 3-32-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **3-32-020 Definitions.**

When any of the following words or terms are used in this chapter, whether or not capitalized and whether or not used in a conjunctive or connective form, they shall have the meaning or construction ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

K. "Lease price" or "rental price" means the consideration for the lease or rental of personal property, valued in money, whether received in money or otherwise, including cash, credits, property and services, determined without any deduction for costs or expenses whatsoever. The term "lease price" or "rental price" includes any and all charges that the lessee pays incidental to obtaining the lease or rental of personal property, including but not limited to any and all related markups, service fees, convenience fees, facilitation fees, cancelation fees, late return fees, late payment fees and other such charges, regardless of terminology. The term "lease price" or "rental price" does not include, but not including charges that are added to the price by a lessor on account of the tax imposed by this chapter or on account of any other tax imposed on the lessee for the lease or rental of personal property. The term "lease price" or "rental price" shall exclude separately stated optional charges not for the use of personal property and annual membership fees paid to the operator of the bike share program created and owned by the Chicago Department of Transportation. The fact that the lessee could have avoided the charge by obtaining the lease or rental from or through a different lessor, pursuant to different terms, or through a course of performance that would have avoided the obligation to pay the charge, does not make the charge "optional."

*(Omitted text is unaffected by this ordinance) 3*

M. "Lessor" means any person, including the assignee of any lease or rental agreement, who leases or rents personal property to users or who, directly or through an agreement or arrangement with another party indirectly, receives or collects the consideration for the lease or rental of personal property. The term includes, but is not limited to, persons engaged in the business of facilitating the

lease or rental of personal property for consideration, whether on-line, in person or otherwise. The term does not include banks, credit card companies, payment processors or other persons whose involvement is limited to performing functions similar to those performed by such entities.

*(Omitted text is unaffected by this ordinance)*

SECTION 4. Chapter 3-46 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**3-46-030 Tax imposed.**

*(Omitted text is unaffected by this ordinance)*

B. (1) The rate of the tax shall be in accordance with the following schedule:

(a) For ground transportation vehicles that are taxicabs,

(i) which are licensed or are required to be licensed pursuant to Chapter 9-112 of this Code, \$98.00 for each taxicab for each calendar month during which the taxicab is used in the city to provide ground transportation; provided, however, that no tax shall be due for any calendar month during which such a taxicab is out of operation for the entire month and the license for such taxicab is surrendered for the entire month. The \$98.00 tax ~~This amount~~ shall not be subject to proration for portions of a calendar month;

*(Omitted text is unaffected by this ordinance)*

(b-1) For ground transportation vehicles used in the city to provide transportation network service by transportation network drivers:

i) \$5.55 ~~\$0.40~~ for every ride that includes a pickup or dropoff, or both, at O'Hare International Airport, Midway International Airport, Navy Pier, or McCormick Place during 2018, and \$5.60 for every such ride during 2019 and after, and

ii) in all other cases, \$0.55 ~~\$0.40~~ per vehicle per ride accepted during 2018, and \$0.60 for every such ride during 2019 and after.

Beginning in 2018, \$16 million of the tax imposed by this section shall be provided to the Chicago Transit Authority ("CTA") annually for capital purposes in accordance with an intergovernmental agreement between the City and CTA

*(Omitted text is unaffected by this ordinance)*

**3-46-040 Paying, collecting, and remitting the tax and filing returns.**

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*(Omitted text is unaffected by this ordinance)*

E. Notwithstanding any other provision of this Code, every person subject to the tax imposed by this chapter at the rate provided by Section 3-46-030(B)(1)(a)(ii), Section 3-46-030(B)(1)(b), Section 3-46-030(B)(1)(c), or Section 3-46-030(B)(1)(d), who ~~(1) is not licensed pursuant to Chapter 9-112 or Chapter 9-114 of this Code, and (2) departs from any airport in the City with a passenger, and (3) is required to pay the Metropolitan~~

~~Pier and Exposition Authority Airport Departure Tax on the day of departure~~, shall be required to pay the tax imposed by this chapter, for the day of the departure, on the day of departure. The payment shall be credited against the amount of tax due for the month that includes that day.

SECTION 5. Section 9-112-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-150 License fees and terms.**

*(Omitted text is unaffected by this ordinance)*

(b) The license term for licenses shall be from March 1 of the current year to the last day of February two years subsequent to the current year.

(i) License issuance or renewal fee is \$1,000.00 for taxicabs that are not wheelchair accessible. In addition, as part of the license issuance or renewal fee, a licensee shall pay \$22.00 per month to the city's accessibility fund for each taxicab which is not wheelchair-accessible. The licensee may pay the \$22.00 per month fee at the same time as the licensee pays the ground transportation tax imposed in Chapter 3-46 of this Code; provided, however, that no fee shall be due for any calendar month during which such a taxicab is out of operation for the entire month and the license for such taxicab is surrendered for the entire month. The \$22.00 fee shall not be subject to proration for portions of a calendar month. The Department shall deposit the \$22.00 per month fee to the city's accessibility fund.

*(Omitted text is unaffected by this ordinance)*

SECTION 6. Chapter 4-156 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-156-010 Definitions.**

For purposes of this chapter:

*(Omitted text is unaffected by this ordinance)*

"Charges paid" means the gross amount of consideration paid for the privilege to enter, to witness, to view or to participate in an amusement, valued in money, whether received in money or otherwise, including cash, credits, property and services, determined without any deduction for costs or expenses whatsoever. The term "charges paid" includes any and all charges that the patron pays incidental to obtaining the privilege to enter, to witness, to view or to participate in an amusement, including but not limited to any and all related markups, service fees, convenience fees, facilitation fees,

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cancelation fees and other such charges, regardless of terminology. The term "charges paid" does not include, ~~but not including~~ charges that are added on account of the tax imposed by this chapter or on account of any other tax imposed on the charge.

*(Omitted text is unaffected by this ordinance)*

"Operator" means any person who sells or resells a ticket or other license to an amusement for consideration or who, directly or through an agreement or arrangement with another party indirectly, rec

eives or collects the charges paid for the sale or resale of a ticket or other license to an amusement. The term includes, but is not limited to, persons engaged in the business of selling or reselling tickets or other licenses to amusements, whether on-line, in person or otherwise. The term also includes persons engaged in the business of facilitating the sale or resale of tickets or other licenses to amusements, whether on-line, in person or otherwise. The term does not include banks, credit card companies, payment processors or other persons whose involvement is limited to performing functions similar to those performed by such entities.

*(Omitted text is unaffected by this ordinance)*

**4-156-020 Tax imposed.**

A. Except as otherwise provided by this article, an amusement tax is imposed upon the patrons of every amusement within the City. The rate of the tax shall be equal to nine percent of the admission fees or other charges paid for the privilege to enter, to witness, to view or to participate in such amusement, unless subsection E-or-J of this section provides for a lower rate.

*(Omitted text is unaffected by this ordinance)*

C. (1) None of the exemptions contained in subsection B(5) of this section shall apply to a person or privilege unless a written notice of the amusement is filed with the department of finance at least 30 calendar days prior to the amusement or 15 calendar days prior to the date that admission tickets to the amusement are first made available for sale, whichever is earlier. The notice shall be on a form prescribed by the comptroller, and shall contain all information and materials necessary to permit the department of finance to consider whether the exemption claimed by the applicant is applicable. For the exemptions contained in subsections B(5)(a) through (f), the notice shall contain information and materials necessary to demonstrate that the proceeds intended to inure exclusively to the benefit of the exempt entity or entities are reasonably anticipated to equal at least 10 percent of the gross revenues from the amusement.

*(Omitted text is unaffected by this ordinance)*

D. (1) The tax imposed in subsection A of this section shall not apply to or be imposed upon the admission fees to witness in person live theatrical, live musical or other live cultural performances that take place in any auditorium, theater or other space in the city whose maximum capacity, including all balconies and other sections, is not more than 15007-50 persons.

*(Omitted text is unaffected by this ordinance)*

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~~E. fReservedl The rate of the tax imposed in subsection A of this section shall be five percent of the admission fees or other charges to witness in person live theatrical, live musical or other live cultural performances that take place in any auditorium, theater or other space in the city whose maximum capacity, including all balconies and other sections, is more than 750 persons.~~

*(Omitted text is unaffected by this ordinance)*

H. For the purpose of determining the amount of the amusement tax due under Section 4-156-020, admission fees or other charges shall be computed exclusive of this tax, any federal, state or county taxes imposed upon the amusement patron and any separately stated optional charges for nonamusement services or for the sale or use of tangible personal property. The fact that the patron could have avoided the charge by obtaining the privilege from or through a different owner, manager or operator, pursuant to different terms, or

through a course of performance that would have avoided the obligation to pay the charge, does not make the charge "optional."

*(Omitted text is unaffected by this ordinance)*

J. Notwithstanding subsections A and E of this section, the rate of the tax imposed upon the buyer of a ticket or other license in a resale transaction shall be equal to (4) three percent of the admission fees or other charges paid for the ticket or other license in the resale transaction if the original sale of the ticket or other license is subject to the rate imposed by subsection A, and (2) two percent of the admission fees or other charges paid for the ticket or other license in the resale transaction if the original sale of the ticket or other license is subject to the rate imposed by subsection E. If the buyer in a resale transaction purchases the ticket or other license for purposes of resale, then no tax shall be due from such buyer on the purchase of such ticket or other license if such buyer is registered as a tax collector under Section 4-156-030 of this Article, as evidenced by a certificate issued by the department of finance, or as otherwise confirmed by the department of finance. If the original sale of a ticket or other license is fully or partially exempt from the tax imposed by this Section 4-156-020, such exemption shall carryover and apply to the resale of such ticket or other license.

*(Omitted text is unaffected by this ordinance)*

SECTION 7. Chapter 4-236 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **4-236-010 Definitions.**

For the purpose of this chapter, whenever any of the following words, terms or definitions are used, they shall have the meaning ascribed to them in this section:

"Charge or fee paid for parking" means the gross amount of consideration for the use or privilege of parking a motor vehicle in or upon any parking lot or garage in the City of Chicago, valued in money, whether received in money or otherwise, including cash, credits, property and services, determined without any deduction for costs or expenses whatsoever. The term "charge or fee paid for parking" includes any and all charges that the recipient pays incidental to obtaining the use or privilege of parking, including but not limited to any and all related markups, service fees, convenience fees, facilitation fees,-

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cancelation fees, overtime fees and other such charges, regardless of terminology. The term "charge or fee paid for parking" does not include, but not including charges that are added to the charge or fee on account of the tax imposed by this chapter or on account of any other tax imposed on the charge or fee. The term "charge or fee for parking" shall exclude separately stated optional charges not for the use or privilege of parking. The fact that the recipient could have avoided the charge or fee by obtaining the use or privilege from or through a different operator, pursuant to different terms, or through a course of performance that would have avoided the obligation to pay the charge or fee, does not make the charge or fee "optional."

*(Omitted text is unaffected by this ordinance)*

"Operator" means any person who conducts the operation of a parking lot or garage, as defined by this chapter, or who, directly or through an agreement or arrangement with another party agent, receiving collects the consideration for parking or storage of motor vehicles at such parking place. This includes but is not limited to any reseller, facilitator or aggregator that collects from the recipient the

charge or fee paid for parking. The term does not include banks, credit card companies, payment processors or other persons whose involvement is limited to performing functions similar to those performed by such entities.

**(Omitted text is unaffected by this ordinance) 4-236-025**

**Additional tax imposed on valet parking businesses.**

*(Omitted text is unaffected by this ordinance)*

C. Valet parking businesses shall file returns and pay the tax as follows: (1) all tax returns shall be filed with the department not later than the fifteenth day of each calendar month for all taxable consideration received during the immediately preceding calendar month or ~~on an annual basis on or before August 15 of each year in accordance with Sections 3-4-186 and 3-4-189 of this Code,~~ and (2) all tax payments shall be made to the department not later than the fifteenth day of each calendar month for all taxable consideration received during the immediately preceding calendar month ~~in accordance with either Section 3-4-187 (payment of actual tax liabilities) or Section 3-4-188 (payment of estimated taxes) and~~ (3) ~~the provisions of Sections 3-4-186, 3-4-187, 3-4-188 and 3-4-189 shall control over any contrary provisions in this chapter regarding the subjects covered by those sections.~~

SECTION 8. The amendments made to Sections 3-24-020, 3-32-020, 4-156-010, 4-156-020(H), and 4-236-010 of this Code by this ordinance are intended to confirm rather than change existing law.

**ARTICLE III. 911 SURCHARGE.**

SECTION 1. Chapter 3-64 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**3-64-020 Definitions.**

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For the purposes of this chapter, when any of the following words or terms are used herein they shall have the meaning or construction ascribed to them in this section:

"Advanced Service" means any telecommunications service with or without dynamic bandwidth allocation, such as but not limited to ISDN Primary Rate Interface (PRI), which, through the use of a DS-1, T-1 or other similar un-channelized or multi-channel transmission facility, is capable of transporting either the subscriber's inter-premises voice telecommunications services to the public switched network or the subscriber's 9-1-1 calls to the public agency. As used in this section, "dynamic bandwidth allocation" means the ability of the facility or customer to drop and add channels, or adjust bandwidth, ~~as and~~ when needed in real time for voice or data purposes. As used in this section, "DS-1, T-1 or similar un-channelized or multi-channel transmission facility" means a facility that can transmit and receive a bit rate of at least 1.544 megabits per second (Mbps).

*(Omitted text is unaffected by this ordinance)*

"Trunk line" means a transmission path, or group of transmission paths, connecting a subscriber's Private Branch Exchange ("P.B.X.") to a telecommunications carrier's public switched network. In the case of Regular Service, each voice grade communications channel or equivalent amount of bandwidth capable of



transporting either the subscriber's inter-premises voice telecommunications services to the public switched network or the subscriber's 9-1-1 calls to the public agency shall be considered a trunk line, even if it is bundled with other channels or additional bandwidth. In the case of Advanced Service, each DS-1, T-1 or other similar-un-channelized or multi-channel transmission facility that is capable of transporting either the subscriber's inter-premises voice telecommunications services to the public switched network or the subscriber's 9-1-1 calls to the public agency shall be considered a single trunk line, even if it contains multiple voice grade communications channels or otherwise supports two or more voice grade calls ("VCG") at a time; provided, however, that each additional increment of up to 24 voice grade channels 4.544 Mbps of transmission capacity that is capable of transporting either the subscriber's inter-premises voice telecommunications services to the public switched network or the subscriber's 9-1-1 calls to the public agency shall be considered an additional trunk line.

**(Omitted text is unaffected by this ordinance) 3-64-030**

**Surcharge imposed.**

A. A surcharge is hereby imposed upon billed subscribers of telecommunications services within the corporate limits of the city other than "wireless communications service" as defined by Section 7-50-010 of this Code. The surcharge shall be imposed at the monthly rate set forth below of ~~\$3.90~~ per voice grade communications channel between a subscriber's premises and the public switched network capable of providing access to the 9-1-1 emergency telephone system; except that where multiple voice grade communications channels are connected between the subscriber's premises and the public switched network through a private branch exchange service (P.B.X.), five surcharges shall be imposed on every such Regular Service provisioned Trunk line leaving the subscriber's premises and 12 surcharges shall be imposed on every Advanced Service provisioned Trunk line leaving the subscriber's premises, and where an Advanced Service Trunk line supports at least two but fewer than twenty-three simultaneous VGCs, a telecommunication carrier may elect to impose fewer than twelve surcharges per such Trunk line as provided in subsection (D) herein; and where multiple voice

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grade communications channels are connected to the public switched network through a telecommunications carrier's central office Centrex-type service, five surcharges shall be imposed on the number of P.B.X. trunk equivalents for such system as determined by a P.B.X. trunk equivalency table based on generally acceptable telecommunications engineering principles and approved by the comptroller.

1) Through December 31, 2017, the surcharge shall be imposed at the monthly rate of \$3.90 per voice grade communications channel between a subscriber's premises and the public switched network capable of providing access to the 9-1-1 emergency telephone system.

2) Beginning January 1, 2018 and through December 31, 2020, the surcharge shall be imposed at the monthly rate of \$5.00 per voice grade communications channel between a subscriber's premises and the public switched network capable of providing access to the 9-1-1 emergency telephone system.

3) Beginning January 1, 2021, the surcharge imposed shall be at the monthly rate of \$5.00 per voice grade communications channel between a subscriber's premises and the public switched network capable of providing access to the 9-1-1 emergency telephone system, unless the maximum rate authorized by the General Assembly is lower, in which case the rate shall be the maximum rate authorized by the General Assembly.

*(Omitted text is unaffected by this ordinance)*

**3-64-160 Emergency telephone system fund.**

There is hereby established the emergency telephone system fund. The city treasurer, ex officio, shall be custodian and treasurer of the fund. The city treasurer shall maintain books and accounts concerning the fund in the manner prescribed by the board. The city treasurer shall be liable on his official bond for the proper performance of his duties relating to the fund.

All interest accruing on the fund shall remain in the fund. No expenditures may be made from the fund except upon the direction of the board by resolution passed by three members of the board. Expenditures from the fund shall be made only to pay for the costs associated with the following:

- 1) The design of the emergency telephone system;
- 2) The coding of an initial master street address guide data base, and update and maintenance thereof;
- 3) The repayment of the monies advanced for the implementation of the system;
- 4) The charges for automatic number identification and automatic location identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services;

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- 5) The nonrecurring charges related to installation of the emergency telephone system and the ongoing network charges;
- 6) The initial acquisition and installation, or the reimbursement of costs therefore to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs. Funds may not be used for ongoing expenses associated with road or street sign maintenance and replacement;
- 7) Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are, and equipment that is, dispatched in response to an emergency call^
- 8) The defraying of expenses incurred to implement Next Generation 9-1-1, subject to the conditions set for in the Act;
- 9) The implementation of a computer aided dispatch system or hosted supplemental 9-1-1 services;
- 10) The design, implementation, operation, maintenance, or upgrade of wireless 9-1-1, E9-1-1, or NG9-1-1 emergency services and public safety answering points;

11) Any anti-terrorism or emergency preparedness measures, including, but not limited to, preparedness planning, providing local matching funds for federal or state grants, personnel training, and specialized equipment, including surveillance cameras, as needed to deal with natural and terrorist-inspired emergency situations or events;

(12) Any other purposes that may be authorized by State law.

SECTION 2. Chapter 7-50 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-50-010 Definitions.**

For the purposes of this chapter, when any of the following words or terms are used herein they shall have the meaning or construction ascribed to them in this section:

*(Omitted text is unaffected by this ordinance)*

"Wireless carrier" means a provider of two-way cellular, broadband PCS, geographic area 800 MHz and 900 MHz Commercial Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service

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that is interconnected with the public switched network, including a reseller of such service-person that provides wireless communications service in the city.

"Wireless communications service" means a two-way voice radio-linked communications service which provides dial interconnection to a public switched network, including but not limited to cellular telephone service and personal communications service.

Any other word or term not defined herein but defined in the Emergency Telephone System Act of the State of Illinois, codified at 50 ILCS 750/0.01, et seq., shall have the meaning ascribed to the word or term in that act.

**7-50-020 Fees - Use of revenue - Applicability.**

A. A fee is imposed upon all billed subscribers of wireless communications service within the corporate limits of the city in order to pay for a portion of the cost incurred by the city to operate the emergency telephone system. This fee, ~~which shall be at the rate of \$3.90 per month,~~ shall apply to in-service wireless telephone numbers where the service address of the wireless communications service is located in the city. The fee shall not apply to consumers of prepaid wireless telecommunications service, who instead shall pay the surcharge imposed pursuant to Chapter 7-51 of this Code.

1) Until December 31, 2017, the fee shall be imposed at the monthly rate of \$3.90.

2) Beginning January 1, 2018 and through December 31, 2020, the fee shall be imposed at the monthly rate of \$5.00.

3) Beginning January 1, 2021, the fee imposed shall be at the monthly rate of \$5.00, unless the maximum rate authorized by the General Assembly is lower, in which case the rate shall be the maximum rate authorized by the General Assembly.

*(Omitted text is unaffected by this ordinance)*

SECTION 3. The amendments to Code Sections 3-64-020, 3-64-160 and 7-50-010 of this Code by this ordinance are intended to confirm rather than change existing law. All expenditures previously made in conformance with Section 3-64-160, as amended by this ordinance, are hereby ratified and approved.

#### **ARTICLE IV. CHANGE OF OFFICER FEES.**

SECTION 1. Section 4-4-175 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

##### **4-4-175 Change of officers.**

*(Omitted text is unaffected by this ordinance)*

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(b) Except as otherwise provided in Section 4-60-060(c), the notice of change required under subsection (a) of this section shall be accompanied by a filing fee, as follows: If the licensee holds a license that requires an investigation or approval by the department of police or a criminal background check for the license to be issued, the filing fee for the notice of change shall be ~~\$40.00~~ \$250.00, with an additional fee of ~~\$50.00~~ \$40.00 for each person required to be investigated, approved or checked. If the licensee does not hold a license that requires such an investigation, approval or check, the filing fee for the notice of change shall be ~~\$20.00~~ \$100.00.

SECTION 2. Section 4-60-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

##### **4-60-060 Licenses - Fees and other policies.**

*(Omitted text is unaffected by this ordinance)*

(c) Whenever any changes occur in the officers of the licensee, the licensee shall notify the department of business affairs and consumer protection in accordance with the procedures set forth in items (1), (2) and (3) of this subsection. For purposes of this subsection, the term "officer of the licensee" or "officers of the licensee" means the members of a partnership, the officers or directors of a club, the officers, directors, managers or shareholders of a corporation, or the managers or managing members of a limited liability company or other ' legal entity licensed pursuant to this chapter.

*(Omitted text is unaffected by this ordinance)*

2) If any officer of the licensee is removed from office in accordance with the bylaws,

operating agreement or partnership agreement for the licensee, pursuant to law or court order, by reason of death or for any other reason, and the person removed from office is replaced by a person who has no ownership interest in the licensee or who owns less than five percent of the ownership interest in the licensee, then the licensee shall notify the department of business affairs and consumer protection of the change by filing with the department a change of officer form provided by the department within 30 days of the effective date of the change. The person replacing the removed officer shall be fingerprinted as required by Section 4-60-040(b)(11), and the licensee shall submit to the department of business affairs and consumer protection, along with the change of officer form, the following: (i) proof that the person replacing the removed officer has been fingerprinted; (ii) a fee of ~~\$100.00~~ \$500.00 which the commissioner of business affairs and consumer protection is authorized to assess; and (iii) any other supplementary materials prescribed by the rules and regulations of the department of business affairs and consumer protection.

3) If any officer of the licensee owning directly or beneficially more than five percent of the interest in the licensee is removed from office in accordance with the bylaws, operating agreement or partnership agreement for the licensee, pursuant to law or court order, by reason of death or for any other reason, and such officer is replaced, or if five percent or more of the ownership interest in the licensee changes hands or is transferred to a non-licensee, the licensee shall notify the department of business affairs and consumer protection by submitting to the department within 30 days of the effective date of the change (i) a change of officers/shareholders application in conformity with the requirements of Section 4-60-040 and (ii) a fee of ~~\$250.00~~ \$2,000.00 which the commissioner of business affairs and consumer protection

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is authorized to assess. All new partners, officers, directors, managers, managing members, shareholders or any other person owning directly or beneficially more than five percent of the interest in a licensee shall satisfy all of the eligibility requirements for a liquor licensee as provided in this chapter. Failure to comply with the requirements of this subsection shall be grounds for revocation of any liquor license held by such licensee.

*(Omitted text is unaffected by this ordinance)*

## **ARTICLE V. TOBACCO LICENSING FEES**

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **4-5-010 Establishment of license fees.**

This chapter shall establish fees for various licenses created by this title unless otherwise provided. The following fees shall apply for the specified licenses. The chapter in which each fee requirement is created is also provided. Unless otherwise stated, fees shall be assessed every two years. For every license application which includes fingerprinting of the applicant as part of the application process, a fingerprint fee sufficient to cover the cost of processing fingerprints will be assessed in addition to the below fees. The fingerprint fee will be assessed regardless of whether the license applied for is issued or denied. The amount of the fee will be set forth by regulation promulgated by the Commissioner of Business Affairs and Consumer Protection.

*(Omitted text is unaffected by this ordinance)*

(30) Tobacco per year

Retail tobacco dealer

Per location ~~\$500.00~~ \$250.00

Plus, per cash register ~~\$330.00~~ \$165.00

Tobacco Product Sampler ~~\$660.00~~ \$330.00

Wholesale tobacco dealer ~~\$1,100.00~~ \$550.00

*(Omitted text is unaffected by this ordinance)*

## ARTICLE VI. FOOD INSPECTION FEES AND FINES.

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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### 4-5-010 Establishment of license fees.

This chapter shall establish fees for various licenses created by this title unless otherwise provided. The following fees shall apply for the specified licenses. The chapter in which each fee requirement is created is also provided. Unless otherwise stated, fees shall be assessed every two years. For every license application which includes fingerprinting of the applicant as part of the application process, a fingerprint fee sufficient to cover the cost of processing fingerprints will be assessed in addition to the below fees. The fingerprint fee will be assessed regardless of whether the license applied for is issued or denied. The amount of the fee will be set forth by regulation promulgated by the Commissioner of Business Affairs and Consumer Protection.

*(Omitted text is unaffected by this ordinance)* (15) Food -

Retail Food Establishment (4-8)

0 - 4SQQ 1.000 square feet	\$660.00
<del>47^00</del> 1,001 - 10,000 2,500 square feet	<del>\$880.00</del>
<u>940.00</u>	
<u>10,000 2,501 -4,500 plus square feet</u>	<u>\$1,100.00</u> <u>1.110.00</u>
<u>4.501 - 10.000 square feet</u>	<u>\$1.320.00</u>
<u>Over 10,000 square feet</u>	<u>\$1,650.00</u>

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 7-42-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 7-42-070 Reinspection fee.

A ~~\$50.00~~ \$100.00 reinspection fee shall be assessed against the licensee of any establishment for each inspection conducted by the department of health to address a violation previously identified by the department.

**ARTICLE VII. ENVIRONMENTAL FEES AND FINES.**

SECTION 1. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**11-4-030 Operating a facility without a permit or authorization - Violation - Penalty.**

(a) Any person who operates a facility without a required permit or written authorization from the commissioner shall pay a penalty of not less than \$1,000 nor more than ~~\$5,000~~ \$10,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

*(Omitted text is unaffected by this ordinance)*

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**11 -4-1040 Prohibited wastes.**

Except as otherwise provided herein, no person shall discharge or cause to be discharged any of the following described wastes or waters into any sewer, watercourse, natural outlet or waters within or partially within or adjoining the boundaries of the City of Chicago:

*(Omitted text is unaffected by this ordinance)*

(4) Any person violating this section shall be subject to a fine of \$500.00 for each offense. Each day that such violation continues shall be considered a separate offense.

**11-4-1527 Permit fees.**

(a) The ~~annual~~ permit fees to operate a sanitary landfill, resource recovery facility, solid waste incinerator, liquid waste handling facility, transfer station or waste handling facility shall be as follows:

**Annual sanitary ~~Sanitary~~ landfill fees:**

25-acre tract or less	\$10,000.00
More than 25 acres but less than 50 acres	\$20,000.00
50 acres or more but less than 75 acres	\$30,000.00
75 acres or over	\$40,000.00

**Annual resource ~~Resource~~ recovery facility or solid waste incinerator fees:**

Design capacity of 250 tons per day or less	\$5,000.00
Design capacity of more than 250 tons per day but less than 750 tons per day	\$10,000.00
Design capacity of more than 750 tons per day but less than 1,250 tons per day	\$20,000.00

**Design capacity of more than 1,250 tons per day \$25,000.00**

**Annual liquid waste handling facility fees:**

New or existing facility \$15,000.00

**Quarterly transfer station or waste handling facility fees:**

~~New or existing facility \$10,000.00~~ \$0.22 per ton of waste received

**Modified transfer station fee:**

~~New or existing facility \$2,500.00~~

*(Omitted text unaffected by this ordinance)*

c) Every operator of a transfer station or waste handling facility shall remit the required permit fees to the department with the remittance return form prescribed by the commissioner. On or before the last day of each quarterly period, the operator must file the remittance return form and remit the fee attributable to the amount of waste received less any waste removed from the waste stream and properly recycled.

d) The commissioner shall have the authority to promulgate rules for the collection of the fees required to be paid by this section.

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**11 -4-1961 Fee on generation of construction or demolition debris.**

(a) ~~On and after September 1, 1999,~~ A fee is hereby imposed on the generation of construction or demolition debris that is reprocessed within the corporate limits of the city.

(a) Construction/demolition debris received at construction/demolition reprocessing facilities.

(1) ~~On and after September 1, 1999,~~ For The owner<sup>2</sup> or operator of each construction/demolition reprocessing facility within the corporate boundaries of the city<sup>A</sup> (the -owner or operator<sup>^</sup>) shall collect a fee of \$0.50 per cubic yard of construction/demolition debris received and managed at the facility, unless the owner or operator weighs the quantity of the construction/demolition debris received with a device for which certification has been obtained under the Illinois Weights and Measures Act (225 ILCS § 47/1, et seq.), in which case the fee shall be \$0.50 per ton of construction/demolition debris received and managed at the facility.

{©} (2) This fee shall be stated as a distinct item on the bill to each customer separate and apart from the owner's or operator's gross charges to its customers for receiving, handling, transporting, processing, or otherwise managing the construction/demolition debris. Every owner or operator that is required to collect the fee imposed by this section shall remit the fee to the department with the remittance return prescribed by the commissioner. On or before the last day of each calendar month, the owner or operator must file the remittance return and remit the fee attributable to the construction/demolition debris that is received and managed during the preceding calendar month. Any fee collected by the owner or operator is collected in trust for the city and constitutes a debt owed by the collector to the department.

(o) ~~The commissioner is empowered to adopt and promulgate rules and regulations relating to the collection of the fee required to be paid by this section.~~

d) (3) The owner or operator may retain two percent of the fees collected and timely remitted to the department under this section to reimburse the owner or operator for expenses incurred in connection with accounting for and the remitting of fees to the department.



e) (4) The fee imposed by this section is upon the generation of the construction/demolition debris, and nothing in this section shall be construed to impose a charge of any kind on the occupation of handling, transporting, reprocessing or otherwise treating or managing construction/demolition debris. The failure of any owner or operator to collect the fees shall not excuse any generator of construction/demolition debris from the obligation of paying the fee directly to the department.

(b) Construction/demolition debris reprocessed and reused at construction sites.

(1) For each construction site at which reprocessable construction/demolition debris is generated, reprocessed, and reused pursuant to the written authorization required under section 11-4-1935 of this Article, the owner or operator of such site shall pay a fee of \$0.50 per cubic yard of construction/demolition debris generated and managed at the site, unless the owner or operator weighs the Quantity of the construction/demolition debris generated with a device for which certification has been obtained under the Illinois Weights and

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Measures Act codified at 225 ILCS § 47/1, et seq., in which case the fee shall be \$0.50 per ton of construction/demolition debris generated and managed at the site.

(2) Every owner or operator that is required to pay the fee imposed by this section shall remit the fee to the department with the remittance return prescribed by the commissioner. On or before the last day of each calendar month, the owner or operator must file the remittance return and remit the fee attributable to the construction/demolition debris that is generated and managed during the preceding calendar month.

(f c) For purposes of this section, the term "construction/demolition debris" is the same definition as provided in subsection 11-4-1910.

(d) The commissioner is empowered to adopt and promulgate rules relating to the collection of the fee required to be paid by this section.

(§ §) Any person who violates any provision of this section shall be fined not less than \$500.00 and not more than \$1,000.00 for each offense.

(hf) Notwithstanding any other provision of this section, generators of construction/demolition debris who are governmental bodies are exempt from the fees imposed by this section.

**11 -4-2130 Penalty for violation.**

Permit fees authorized by this article shall constitute a debt due and owing the city. Any person violating this article shall be subject to a fine of not less than ~~\$100.00~~ \$1,000 and not more than ~~\$500.00~~ \$10,000 for each offense. Each day that such violation continues shall be considered a separate offense.

**ARTICLE VIII. BUILDING DEPARTMENT FEES AND FINES.**

SECTION 1. Section 4-266-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-266-060 Violation - Penalty.**

Except as otherwise provided in this chapter, any person violating any of the provisions of who violates this chapter shall be fined in accordance with Section 13-12-040 ~~not more than \$100.00~~ for each offense, and every day that any such violation ~~sh~~ continues shall constitute a separate and distinct offense.

SECTION 2. Section 4-288-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-288-150 Violation - Penalty.**

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Any person ~~violating any provisions of~~ who violates this chapter, in addition to any other penalties applicable under the municipal code of Chicago, shall be subject to a fine in accordance with Section 13-12-040 ~~of not less than \$500.00~~ for each violation. Each day that any such violation ~~remains in existence~~ continues shall constitute a separate violation.

SECTION 3. Section 4-298-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-298-150 Violation - Penalty.**

Any person ~~violating any provisions of~~ who violates this chapter, in addition to any other penalties applicable under the municipal code of Chicago, shall be subject to a fine in accordance with Section 13-12-040 ~~of not less than \$500.00~~ for each violation. Each day that any violation ~~remains in existence~~ continues shall constitute a separate violation.

SECTION 4. Chapter 4-332-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-332-180 Violation - Penalty.**

Any person violating any provisions of this chapter shall be fined in accordance with Section 13-12-040 ~~n~~ less than \$200.00 and not more than \$500.00 for each violation. Each day that any such violation continues shall constitute a separate violation.

SECTION 5. Section 4-336-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-336-060 Violation - Penalty.**

Any person who shall engages in the business of plumbing contractor without obtaining a certificate of registration as herein provided for, or who shall violates ~~any of the provisions of~~ this chapter, shall be fined in accordance with Section 13-12-040 ~~not less than \$50.00 nor more than \$200.00~~ for each offense., and each day that any such violation continues shall constitute a separate and distinct offense ~~shall be regarded as~~

~~committed every day on which such person shall continue to operate contrary to the provisions of this chapter.~~

SECTION 6. Chapter 4-344 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-344-020 License - Required.**

No steam engine or boiler subject to the provisions of this chapter shall be used, managed or operated except by an engineer or boiler or water tender who shall have been duly licensed and who shall have and exhibit a certificate thereof.

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No individual shall take charge of, manage or operate any steam engine or boiler, or any portion of a steam plant, in the city without a license, as provided by this chapter.

Engineers in charge of locomotives and engineers or boiler or water tenders in charge of boilers carrying not more than ten pounds pressure of steam per square inch shall be exempt from the provisions of this chapter.

~~Every person violating the provisions of~~ who violates this section shall be fined in accordance with Section 13-12-040 ~~not less than \$20.00 nor more than \$50.00~~ for each offense, and each day that any such violation continues shall constitute a separate offense; and any person owning or controlling any steam engine, boiler or other steam plant who shall authorize or permit any individual without a license, as required herein, to take charge of, manage or operate any steam engine or boiler or any portion of a steam plant, shall for each offense be fined in accordance with Section 13-12-040 ~~not less than \$50.00 nor more than \$200.00~~, and each day's day that any such violation of any of the provisions of this section continues shall constitute a separate offense.

*(Omitted text is unaffected by this ordinance)*

**4-344-110 Violation - Penalty.**

Any person who ~~sr4aJl~~ violates any provision of this chapter for which no other penalty is specifically provided shall be fined in accordance with Section 13-12-040 ~~not less than \$200.00 nor more than \$500.00~~ for each offense, and each day that any violation continues shall constitute a separate violation.

SECTION 7. Section 4-376-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-376-090 Violation - Penalty.**

Any person, including licensed employing masons and licensed mason contractors, who violates ~~any of the provisions of this chapter~~ shall be fined in accordance with Section 13-12-040 ~~not less than \$50.00 nor more than \$500.00~~ for each offense, and each day that any such violation continues shall constitute a separate violation. ~~In addition, the license of any employing mason or licensed mason contractor who violates any of the provisions of this chapter shall be subject to suspension or revocation provided however, that no penalties shall be invoked until and unless all such violations have been sustained at a hearing conducted by the Board of Examiners of Mason Contractors, as provided for in Section 2-116-140 of this Code.~~

SECTION 8. Section 13-8-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-8-100 Dangerous buildings and structures - Posting - Unlawful entry - Fine.**

*(Omitted text is unaffected by this ordinance)*

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(b) Whenever any building, structure or part thereof shall have been vacated and shall have been posted with a sign as hereinbefore specified, it shall be unlawful for any person to enter any closed portion of the building or structure except for the express purpose of wrecking or removing or repairing same as directed by said notice, or for purposes of inspection at the direction of the commissioner of buildings. Any person who enters such a building in violation of this subsection shall be fined in accordance with Section 13-12-040 ~~not less than \$25.00 and not more than \$100.00 for such offense.~~ Any owner, manager, tenant or person in control of the premises who permits any person to enter in violation of a notice posted under this section shall be ~~subject to a fine~~ fined in accordance with Section 13-12-040 ~~of not less than \$200.00 and not more than \$500.00~~ for each time that any person is permitted to enter illegally.

SECTION 9. Chapter 13-12 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-12-040 Violation of chapters enumerated in Section 13-12-010 - Penalty.**

Any violation of, or resistance to or interference with the enforcement of, ~~any of the provisions of this Code enumerated in Section 13-12-010 or the Building Code as defined in Section 1-4-090(h), to which no other penalty provision is applicable shall be punished by a fine of not less than \$500.00~~ ~~200.00 and not more than \$1,000.00~~ ~~500.00~~ and each day that such violation ~~sh~~ continues shall constitute a separate and distinct offense ~~for which a fine as herein provided shall be imposed.~~

**13-12-050 Construction, alteration, installation, repair or razing without permit - Penalty.**

A. It shall be unlawful for any person to:

*(Omitted text is unaffected by this ordinance)*

Any person who violates this subsection ~~upon conviction~~ shall be punished, as follows:

*(Omitted text is unaffected by this ordinance)*

(3) a fine in accordance with Section 13-12-040 ~~of not less than \$200.00, nor more than \$500.00 for the first offense; and a fine of not less than \$1,000.00~~ ~~500.00, nor more than \$3,000.00 for the second offense; and a fine of not less than \$3,000.00, nor more than \$5,000.00 for the third and each subsequent offense.~~

A separate and distinct offense shall be committed for each permit which is required but has not been obtained, and each day that the violation continues.

The above penalties shall be in addition to any fees imposed pursuant to Section 13-32-035. ~~If an empl~~

~~eye of a builder, contractor or subcontractor is charged with violating this subsection, it shall be a defense that the employee is not an owner, manager, or person exercising control over the builder, contractor or subcontractor and did not have prior notice that the builder, contractor or subcontractor had failed to obtain a permit.~~

B. It shall be unlawful for any person to fail to post any permit as required by Section 13-32-010 of this Code. Any person who violates this subsection shall be fined in accordance with

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~~Section 13-12-040 not less than \$200.00, nor more than \$500.00 for each day that work proceeds without the permit having been posted.~~

**13-12-060 Architects, engineers, contractors, etc. - Failure to conform with code provisions - Penalty.**

(a) Any architect, structural engineer, contractor or builder, individual or corporate, who has designed, constructed, repaired, altered, removed or demolished any building or any part or equipment thereof in violation of or in a manner which fails to conform with the provisions of this Code enumerated in Section 13-12-010 or the Building Code as defined in Section 1-4-090(h) shall each be fined in accordance with Section 13-12-040 ~~not less than \$25.00 and not more than \$200.00~~ for each and every violation of any of the said provisions existing in such design, construction, repair, alteration, removal or demolition.

*(Omitted text is unaffected by this ordinance)*

**13-12-080 Failure to acquire permits for construction, alteration, installation, repair or razing - Stop work order.**

*(Omitted text is unaffected by this ordinance)*

B) It shall be unlawful for any person to knowingly violate a stop work order, or to knowingly cause, permit, encourage, assist, aid, abet or direct another person to violate a stop work order, or to knowingly in any manner be a party to a violation of a stop work order.

Any person who violates this subsection upon conviction shall be punished, as follows:

*(Omitted text is unaffected by this ordinance)*

(iii) a fine in accordance with Section 13-12-040 ~~of not less than \$400.00, nor more than \$1,000.00~~ for the first offense; and a fine of not less than \$1,000.00, nor more than \$6,000.00 for the second offense; and a fine of not less than \$6,000.00, nor more than \$10,000.00 for the third and each subsequent offense.

A separate and distinct offense shall be committed for each stop work order which is violated, and each day that a violation continues.

~~-If an employee of a builder, contractor or subcontractor is charged with violating this subsection, it shall be a defense that the employee is not an owner, manager or person exercising control over the builder, contractor or subcontractor and did not have prior notice that the builder, contractor or subcontractor had failed to obtain a permit.~~

C) It shall be unlawful for any person to knowingly destroy, deface, remove, damage, impair, mar,

cover or obstruct any stop work order which a city official has posted or affixed at a work site.

*Any person who violates this subsection upon conviction shall be punished, as follows: (Omitted text is unaffected by this ordinance)*

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(iii) a fine in accordance with Section 13-12-040 ~~not less than \$200.00, nor more than \$500.00.~~

**(Omitted text is unaffected by this ordinance) 13-12-120**

**Code violations - Closure of buildings or premises.**

a) The building commissioner, the president of the board of health, the fire commissioner, and the superintendent of police, or any one of them, and their respective designees, shall have the power, and it shall be their joint and several duty, to order any building or premises closed, or any structure or equipment thereof removed or its operation stopped, where it is discovered that there is any violation of any of the provisions of this Code enumerated in Section 13-12-010 which imperils life, safety or health, and to keep same closed, removed, or shut down until such provisions are complied with.

*(Omitted text is unaffected by this ordinance)*

The notice shall be dated, and shall bear the city seal. If only a portion of the building has been ordered closed, removed or shut down, the notice shall be modified to identify the affected portion, and shall also be affixed at each interior entrance to that portion. Any person who enters a building, structure or portion thereof in violation of a notice posted under this section shall be ~~subject to a~~ fined in accordance with Section 13-12-040 ~~of not less than \$50.00 and not more than \$200.00.~~ Any owner, manager, tenant or person in control of the premises who permits any person to enter in violation of a notice posted under this section shall be ~~subject to a~~ fined in accordance with Section 13-12-040 ~~of not less than \$200.00 and not more than \$500.00~~ for each time a person is permitted to enter illegally.

b) It is unlawful for any person to remove, cover or obliterate, any notice or notices lawfully posted pursuant to subsection (a) of this section, without the written permission of the head of the department or agency responsible for posting the notice. Any person who removes, covers, obliterates, or defaces any sign posted pursuant to subsection (a) of this section without the necessary written permission shall be ~~subject to a~~ fined in accordance with Section 13-12-040 ~~of up to \$500.00.~~

**13-12-140 Vacant or open buildings - Watchman required - Violation - Penalty.**

*(Omitted text is unaffected by this ordinance)*

Any person who violates the provisions of this section shall be punished by a fine in accordance with Section 13-12-040 ~~of not less than \$100.00 nor more than \$300.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense.~~ Any third or subsequent offense may be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (65 ILCS 5/1-2-1.1) as amended, or by both fine and imprisonment. Any person who violates this section shall, if the building remains or subsequently becomes open and a forcible felony is then committed on those premises, be sentenced to a mandatory term of imprisonment of not less than 30 days. A separate and distinct offense shall be regarded as

committed each day on which such person or persons shall violate the provisions of this section. For purposes of this section, "forcible felony" has the meaning ascribed to the term in Section 2-8 of the Criminal Code of 1961 (720 ILCS 5/2-8).

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**13-12-145 Improperly maintained buildings and structures subject to nuisance abatement proceedings.**

*(Omitted text is unaffected by this ordinance)*

(e) For any building or structure that is a public nuisance subject to abatement proceedings under this section, the owner, the owner's agent for purposes of managing or controlling or collecting rents on the building or structure, the holder of a mortgage or lien with a right to possession of the building or structure under subsection (d) of this section, and any other person managing or controlling the building or structure shall be fined in accordance with Section 13-12-040 ~~not less than \$200.00 nor more than \$1,000.00~~ for each day the nuisance has existed until the nuisance is abated. The amount of any fine issued under Section 2-14-100 or imposed under this section or under the building code in any proceeding involving a building or structure that is a public nuisance under this section, the cost of the repairs, alterations, improvements, or vacating and enclosing, or removal and demolition by the commissioner of buildings, and the costs of bringing the abatement proceeding under this section, including inspector's and attorney's fees, shall be recoverable from the owner or owners and shall be a lien on the property upon which the building or structure is or was located and shall also be enforceable against any person against whom the order issues as provided by law. Any lien created under this section may, upon a showing of good cause, be waived by the corporation counsel. The lien for the costs of repairs, alterations, improvements, demolition, receivership, vacating or enclosing shall be a first lien upon the real estate and the rents and issues thereof, and shall be superior to all prior assignments of rents and all prior existing liens and encumbrances, except taxes, and shall be enforced pursuant to applicable law. No license shall be issued relating to the property subject to such lien until the lien is satisfied or, upon a showing of good cause, the lien is waived by the corporation counsel. Nothing in this section shall prevent the city from seeking other remedies for code violations through the use of any other administrative procedure or court proceeding, including the imposition of fines set forth in Section 13-12-040 for violations of the building code.

*(Omitted text is unaffected by this ordinance)*

**13-12-890 Penalty**

Any person who violates ~~any of the provisions of~~ this article, or who maintains any electrical wiring and apparatus found to be dangerous to life and property, shall be fined in accordance with Section 13-12-040 ~~\$500.00~~ for each offense. Each day such violation shall continue shall constitute a separate and distinct offense, and so much of any electrical installation as may be erected or altered and maintained in violation of this article or of Title 14E shall be condemned and the building commissioner is hereby empowered to cut off and discontinue current to such electrical wires and apparatus.

SECTION 10. Section 13-20-520 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-520 Penalties.**

(a) (1) Any person who violates ~~any of the provisions of~~ Section 13-20-550 and such violation pertains to a static sign or its support structure shall be fined not less than

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\$7,500.00 nor more than \$10,000.00 for each offense, unless the person can show by a preponderance of the evidence, that the square footage of the sign is: (i) from 200 to 499 square feet, per face, a fine of not less than \$2,000.00 nor more than \$5,000.00; (ii) from 100 to 199 square feet, per face, a fine of not less than \$1,000.00 ~~750.00~~ nor more than \$2,000.00 ~~1,500.00~~; or (iii) from zero to 99 square feet, per face, a fine in accordance with Section 13-12-040 ~~of not less than \$350.00 nor more than \$750.00~~; provided that any person who violates ~~any of the provisions of~~ Section 13-20-550 and such violation pertains to a dynamic image display sign, regardless of the size of the sign, or its support structure, the fine shall be not less than \$10,000.00 nor more than \$15,000.00 per offense. Each day that a violation continues shall constitute a separate and distinct offense ~~to which a separate fine shall apply~~.

(2) In all cases where no specific penalty is provided for in this article, any person erecting, owning, operating, maintaining or in charge, possession or control of any sign or its support structure who violates any provision of this article shall be fined in accordance with Section 13-12-040 ~~not more than \$500.00~~ for each offense, and each day that such violation continues shall constitute a separate and distinct offense. Each sign or structure owned, operated and maintained or controlled by that person that is erected, constructed, or maintained in violation of any of the provisions of this article shall constitute a separate and distinct ~~violation~~ offense. Each day that a violation continues shall constitute a separate and distinct offense.

*(Omitted text is unaffected by this ordinance)*

SECTION 11. Section 13-28-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-28-070 Violation - Penalty.**

Any person violating, or resisting or opposing the enforcement of ~~any of the provisions of~~ this chapter, where no other penalty is provided, shall be fined in accordance with Section 13-12-040 ~~not less than \$25.00 nor more than \$200.00~~ for each offense. Each day such violation shall continues shall constitute a separate and distinct offense; and any builder or contractor who shall construct any building in violation of the provisions of this chapter, and any architect who shall design, draw plans for, or have supervision of such building, or who shall permit it to be constructed, shall be liable for the penalties imposed by this section.

SECTION 12. Chapter 13-32 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-32-033 False or inaccurate license number on building permit application.**

It shall be unlawful for any person to knowingly insert a false or inaccurate name or license number on a building permit application when identifying a contractor, or any person required to be licensed by this Code, who will be performing the work described in the building permit application. Any person who violates this section shall be ~~assessed a~~ fined in accordance with Section 13-12-040 ~~of \$500.00~~ and the building permit shall be revoked.

*(Omitted text is unaffected by this ordinance)*



**13-32-085 Rules and regulations - Compliance required - Violation - Penalty.**

*(Omitted text is unaffected by this ordinance)*

In the event the building commissioner determines that a violation of either the general or specific rules and regulations governing the construction or operations under the permit has occurred, he shall notify the owner, permit holder or contractor by certified mail. If the owner, permit holder or contractor shall fail to correct the violation within five days of receipt of the notice, the commissioner may take all necessary action to abate the violations which includes but is not limited to: revoking the permit, issuing a stop-work order and referring the matter to either the buildings hearings division within the department of administrative hearings or the corporation counsel to institute appropriate proceedings. Any owner, permit holder or contractor who is found to have violated rules and regulations established pursuant to this section shall be subject to a fined in accordance with Section 13-12-040 ~~of not less than \$50.00 and not more than \$100.00~~ for each day the violation is deemed to exist.

*(Omitted text is unaffected by this ordinance)*

**13-32-125 Construction site cleanliness.**

*(Omitted text is unaffected by this ordinance)*

(3) Any person ~~violating any of the provisions of~~ who violates this section shall be fined in accordance with Section 13-12-040 ~~not less than \$200.00 nor more than \$500.00~~ for each offense. Each day such violation shall continues shall constitute a separate and distinct offense. Any owner, developer or general contractor who is responsible for any construction site at which operations are conducted in violation of the provisions of this section shall be liable for the penalties provided by this section, and shall be jointly and severally liable for such penalties with any subcontractor to which a violation is directly attributable. The department of buildings, the department of health and the department of streets and sanitation shall each have the power to enforce the provisions of this section.

*(Omitted text is unaffected by this ordinance)*

**13-32-235 Building wrecking - Pest control.**

*(Omitted text is unaffected by this ordinance)*

Any person who knowingly makes any false statement, submits any false information or misrepresents any information required under this section shall be fined in accordance with Section 13-12-040 ~~not less than \$100.00 nor more than \$500.00 for the first offense and shall on finding of guilty thereof for a second or subsequent offense be fined the sum of \$1,000.00 for such offense.~~ Any structural pest control business which has been found guilty of violating this section two or more times within a three year period shall be prohibited from filing any affidavits under this section for a period of two years.

*(Omitted text is unaffected by this ordinance)*

**13-32-260 Permits to be obtained prior to commencement of wrecking - Violation -Penalty.**

It shall be unlawful for any person to perform any wrecking operation of any kind without first having obtained such necessary permit and bond as required in Sections 13-32-230 through 13-32-250. Any person ~~found in violation of~~ who violates this section shall be ~~subject to a~~ fined in accordance with Section 13-12-040 ~~of up to \$1,000.00.~~ Each day ~~on which~~ such violation exists continues shall constitute a separate and distinct

offense.

**13-32-270 Warm air furnaces - Permit required.**

It shall be unlawful for any person to construct, replace or install any warm air heating furnace, with appurtenances, ducts, or registers, without first obtaining a permit from the building commissioner for such work, as provided by this chapter. Any person who violates this section shall be ~~subject to a~~ fined in accordance with Section 13-12-040 of ~~\$200.00~~ for each offense. Each day that a violation of this section exists shall constitute a separate and distinct offense.

SECTION 13. Section 13-36-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-36-070 Violation - Penalty.**

Any person violating, or resisting or opposing the enforcement of, ~~any of the provisions~~ of this chapter, where no other penalty is provided, shall be fined in accordance with Section 13-12-040 ~~not less than \$200.00 nor more than \$500.00~~ for each offense. Each day such violation ~~sha~~W continues shall constitute a separate and distinct offense; and any builder or contractor who shall construct any building in violation of the provisions of this chapter, and any architect who shall design, draw plan for, or have supervision of such building, or who shall permit it to be constructed, shall be liable for the penalties provided by this section.

SECTION 14. Section 13-40-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-40-150 Violation - Penalty.**

Any person violating, or resisting or opposing the enforcement of, ~~any of the provisions~~ of this chapter, where no other penalty is provided, shall be fined in accordance with Section 13-12-040 ~~not less than \$25.00 nor more than \$200.00~~ for each offense. Each day such violation shall continues shall constitute a separate and distinct offense; and any builder or contractor who shall construct any building in violation of the provisions of this chapter, and any architect who shall design, draw plans for, or have supervision of such building, or who shall permit it to be constructed, shall be liable for the penalties provided by this section.

SECTION 15. Section 13-64-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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**13-64-300 Penalties.**

Any person who violates ~~any provision of~~ Sections 13-64-190 through 13-64-280, for which a separate penalty is not provided, shall be ~~subject to a~~ fined in accordance with Section 13-12-040 of ~~not less than \$300.00 and not more than \$1,000.00~~. Every day that a such violation ~~is allowed to~~ continues shall constitute a separate and distinct offense.

SECTION 16. Section 13-72-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-72-110 Penalty for violation.**

Unless otherwise provided, any person ~~found guilty of violating~~ who violates sections 13-72-050(A) & (B), 13-72-060 or 13-72-065 shall be punished by a fine of not less than \$500.00~~200.00~~ nor more than \$5,000.00 for the first offense, and not less than \$2,000.00 nor more than \$10,000.00 for the second and each subsequent offense in any given 180-day period. Any person ~~found guilty of violating~~ who violates any other section of this chapter shall be punished by a fine in accordance with Section 13-12-040 ~~of not less than \$100.00 nor more than \$300.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period.~~ Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration for a term not to exceed 180 days. Each failure to comply with the provisions of this chapter with respect to each person shall be considered a separate offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation. In addition to such fines and penalties, violation of any provision of this chapter shall be cause for revocation of any license issued to such violator or offending party by the City of Chicago. Nothing herein shall be construed to preclude the revocation of any license for violation of any other provision of the Municipal Code of Chicago.

SECTION 17. Section 13-76-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-76-150 Penalty for violation.**

Any person ~~found guilty of violating any of the provisions of~~ who violates this chapter, upon conviction thereof shall be punished by a fine in accordance with Section 13-12-040 ~~of not less than \$300.00 nor more than \$500.00~~ for each offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation. In addition to such fines and penalties any license or permit issued to such violator or offending party by the City of Chicago may be revoked. Notwithstanding any fines imposed the city shall have the right to seek mandatory compliance with the provisions of this chapter or in the alternative to seek demolition of a building not in compliance with the provisions of this chapter.

SECTION 18. Chapter 18-30-430 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as

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follows:

**18-30-430 Violation - Penalty.**

Except as otherwise provided in this chapter, any person who violates ~~any of the requirements of this chapter shall be fined in accordance with Section 13-12-040 not less than \$200.00 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.~~

SECTION 19. Section 18-32-190 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**18-32-190 Violation - Penalty.**

Except as otherwise provided in this chapter, any person who violates ~~any of the requirements of this chapter shall be fined in accordance with Section 13-12-040 not less than \$200.00 nor more than \$500.00 for each offense.~~ Each day that a violation continues shall constitute a separate and distinct offense.

## **ARTICLE IX. TAXICAB PENALTY**

SECTION 1. Section 9-112-630 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **9-112-630 Violation - Penalty.**

(a) Any person found guilty of violating any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$100.00 nor more than ~~\$5,000.00~~ \$2,000.00. Guidelines governing this fine range shall be set forth in regulations. Each day that such violation ~~sbaw~~ continues shall be ~~deemed~~ considered a separate and distinct offense. In addition to fines, penalties for any violations of this chapter may include license suspension, rescission or revocation.

(b) ~~Any person who violates section 9-112-050 of this Code shall be fined not less than \$300.00 nor more than \$500.00 for each offense.~~ Reserved.

(c) Any person who violates Sections 9-112-220, 9-112-230 or 9-112-240 of this Code shall be fined not less than \$1,000.00 nor more than ~~\$5,000.00~~ \$2,000.00 for each offense.

## **ARTICLE X. INTERGOVERNMENTAL AGREEMENT WITH BOARD OF EDUCATION OF THE CITY OF CHICAGO**

### **29**

The Budget Director or her designee ("Director") is hereby authorized to execute and deliver an intergovernmental agreement ("CPS Agreement") with the Board of Education of the City of Chicago in substantially the form attached hereto as Exhibit A, with such changes therein as the Director may approve, provided that such changes do not amend any essential terms of the CPS Agreement (execution of the CPS Agreement by the Director constituting conclusive evidence of such approval), and to enter into and execute all such other agreements and instruments and to perform any and all acts as shall be necessary or advisable in connection with the implementation of the CPS Agreement.

## **ARTICLE XI. INTERGOVERNMENTAL AGREEMENT WITH CHICAGO TRANSIT AUTHORITY**

The Chief Financial Officer or her designee ("CFO") is hereby authorized to execute and deliver an

intergovernmental agreement ("CTA Agreement") with the Chicago Transit Authority providing that \$16 million of the tax imposed by Section 3-46-030 of the Municipal Code is to be provided annually to the Chicago Transit Authority for capital purposes in substantially the form attached hereto as Exhibit B, with such changes therein as the CFO may approve, provided that such changes do not amend any essential terms of the CTA Agreement (execution of the CTA Agreement by the CFO constituting conclusive evidence of such approval), and to enter into and execute all such other agreements and instruments and to perform any and all acts as shall be necessary or advisable in connection with the implementation of the CTA Agreement.

## **ARTICLE XII. SEVERABILITY AND 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 XIII. EFFECTIVE DATES**

The following components of this ordinance shall be effecting upon passage and approval:

- i. Sections 2 and 3 of Article II of this ordinance;
- ii. Those portions of Article II of this ordinance that amend Sections 4-156-010, 4-156-020(H), and 4-236-010 of the Municipal Code; and
- iii. Those portions of Article III of this ordinance that amend Sections 3-64-020, 3-64-160, and 7-50-010 of the Municipal Code.

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Following passage and approval of this ordinance, that portion of Article II of this ordinance that amends Sections 3-46-040(E) and 4-236-025 of the Municipal Code shall take effect on July 1, 2018.

Following passage and approval of this ordinance, Article V (Tobacco Licensing Fees) and Article VI (Food Inspection Fees and Fines) shall take effect on January 1, 2018 for new licenses, and on March 1, 2018 for renewal licenses.

Following passage and approval, the remainder of this ordinance shall take effect on January 1, 2018.

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**EXHIBIT A**

**INTERGOVERNMENTAL AGREEMENT WITH BOARD OF  
EDUCATION OF THE CITY OF  
CHICAGO**

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CHICAGO, BY

AND THROUGH ITS OFFICE OF BUDGET AND MANAGEMENT, AND THE  
BOARD OF EDUCATION OF THE CITY OF CHICAGO REGARDING THE CPS  
SECURITY PROGRAM

This Intergovernmental Agreement regarding the CPS Security Program (this "Agreement") is made and entered into effective as of the 1st day of July, 2017 (the "Agreement Date") by and between the City of Chicago (the "City"), a municipal corporation and home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, by and through its Office of Budget and Management ("OBM"), and the Board of Education of the City of Chicago, a body politic and corporate, commonly known as the Chicago Public Schools (hereinafter referred to as the "Board" or "CPS").

RECITALS

WHEREAS, the City desires to grant not to exceed \$14,000,000 (the "City Funds") to the Board for its security needs, operations and programs (the "Program") during the Term hereof as defined herein; and

WHEREAS, it is anticipated that the Board may soon receive at least an estimated \$66,000,000 in surplus declared by the City pursuant to Section 7 of the Illinois Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-7), some or all of which funds the Board may use for costs of the Program;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE ONE: INCORPORATION OF RECITALS

The recitals set forth above are incorporated herein by reference and made a part hereof.

ARTICLE TWO: THE PROGRAM

The Program is described in Exhibit 1 hereto. The Board shall comply with all applicable federal, state and local laws, statutes, ordinances, rules, regulations, codes and executive orders, as well as all policies, programs and procedures of the Board, all as may be in effect from time to time, pertaining to or affecting the Program or the Board as related thereto. The Board shall include a certification of such compliance in the form of the Requisition/Certification Form attached as Exhibit 2 attached hereto with each request for disbursement of City Funds hereunder. The City shall be entitled to rely on this certification without further inquiry. Upon the City's request, the Board shall provide evidence satisfactory to the City of such compliance.

EXHIBIT A

ARTICLE THREE: FUNDING

1. (a) Upon execution of this Agreement, the Board shall provide OBM with a Requisition Form, in the form of Exhibit 2 hereto, along with: (i) a cost itemization of the applicable portions of the estimated Program

costs attached as Exhibit 3 hereto; (ii) evidence of the expenditures upon the Program which the Board has incurred, or intends to incur on the Program during the Term hereof; and (iii) all other documentation described in Exhibit 2. The City shall review and, in the City's discretion, approve the Requisition/Certification Form and make the applicable requested and approved disbursement of City Funds, subject to the availability thereof. The City shall complete its review within 45 days of receipt. The Board will only request disbursement of City Funds and the City will only disburse City Funds for the costs of the Program.

(b) Delivery by the Board to OBM of a Requisition/Certification Form hereunder shall, in addition to the items therein expressly set forth, constitute a certification to the City, as of the date of such Requisition Form, pursuant to the requirements of Article Two and of this Article Three(1)(b), that the Board is in compliance with all applicable federal, state and local laws, statutes, ordinances, rules, regulations, codes and executive orders, as well as all policies, programs and procedures of the Board, all as may be in effect from time to time, pertaining to or affecting the Program or the Board as related thereto. Requests for disbursement may be multiple as agreed; provided, subject to City approval of the submitted Requisition/Certification Form(s), all City Funds shall be disbursed no later than February 15, 2018.

The City shall have the right, in its discretion, to require the Board to submit further documentation as the City may require in order to verify that the matters certified to above are true and correct, and any approval of a Requisition Form by the City shall be subject to the City's review and approval of such documentation and its satisfaction that such certifications are true and correct; provided, however, that nothing in this sentence shall be deemed to prevent the City from relying on such certifications by the Board.

2. The current estimate of the cost of the Program is approximately \$80,261,322. The Board has delivered to the Budget Director of the City (the "Budget Director"), and the Budget Director hereby approves, a detailed estimated Program list of costs for the Program, attached hereto and incorporated herein as Exhibit 3. The Board certifies that it has identified sources of funds (including the City Funds) sufficient to complete the Program, which may (but need not) include the approximately \$66,000,000 of surplus referenced in the second recital of this Agreement. The Board agrees that the City will only contribute the City Funds to the Program and that all costs of completing the Program over the City Funds shall be the sole responsibility of the Board. If the Board at any point does not have sufficient funds to complete the Program, the Board shall so notify the City in writing, and the Board may narrow the scope of the Program as agreed with the City in order to complete the Program with the available funds.

## EXHIBIT A

3. If the aggregate cost of the Program is less than the amount of the City Funds contemplated by this Agreement, the Board shall have no claim to the difference between the amount of the City Funds contemplated by this Agreement and the amount of the City Funds actually paid by the City to the Board and expended by the Board on the Program.

4. If requested by the City, the Board shall provide the City reasonable access to its books and records relating to the Program. The Board shall submit a written report to the City Clerk not later than July 1, 2018 describing how the Board used the City Funds for the Program, with such report to be forwarded by the



City Clerk to the City Council.

#### ARTICLE FOUR: TERM

The term of the Agreement shall commence as of the Agreement Date and shall expire on December 31, 2018 ("Term"), unless terminated sooner as provided herein. The City and the Board may extend the Term for one or more additional one year periods in writing, subject to the availability of duly appropriated funds.

#### ARTICLE FIVE: INDEMNITY; DEFAULT

1. The Board agrees to indemnify, defend and hold the City, its officers, officials, members, employees and agents harmless from and against any losses, costs, damages, liabilities, claims, suits, actions, causes of action and expenses (including, without limitation, reasonable attorneys' fees and court costs) suffered or incurred by the City arising from or in connection with the Board's failure to comply with any of the terms, covenants and conditions contained within this Agreement.

2. The failure of the Board to perform, keep or observe any of the covenants, conditions, promises, agreements or obligations of the Board under this Agreement or any agreement directly related to this Agreement shall constitute an "Event of Default" by the Board hereunder. Upon the occurrence of an Event of Default, the City may terminate this Agreement and all agreements directly related to this Agreement, and may suspend disbursement of the City Funds. The City may, in any court of competent jurisdiction by any action or proceeding at law or in equity, pursue and secure any available remedy, including but not limited to injunctive relief, the specific performance of the agreements contained herein, or reimbursement of the City Funds.

In the event the Board shall fail to perform a covenant which the Board is required to perform under this Agreement, notwithstanding any other provision of this Agreement to the contrary, an Event of Default shall not be deemed to have occurred unless the Board has failed to cure such default within thirty (30) days of its receipt of a written notice from the City specifying the nature of the default; provided, however, with respect to those defaults which are not capable of being cured within such thirty (30) day period, the Board shall not be deemed to have committed an Event of Default under this Agreement if it has commenced to cure the alleged default within such thirty (30) day period and thereafter diligently and continuously prosecutes the cure of such default until the same has been cured.

#### EXHIBIT A

3. The failure of the City to perform, keep or observe any of the covenants, conditions, promises, agreements or obligations of the City under this Agreement or any other agreement directly related to this Agreement shall constitute an "Event of Default" by the City hereunder. Upon the occurrence of an Event of Default, the Board may terminate this Agreement and any other agreement directly related to this Agreement. The Board may, in any court of competent jurisdiction by any action or proceeding at law or in equity, pursue and secure any available remedy, including but not limited to injunctive relief or the specific performance of the agreements contained herein.

In the event the City shall fail to perform a covenant which the City is required to perform under this

Agreement, notwithstanding any other provision of this Agreement to the contrary, an Event of Default shall not be deemed to have occurred unless the City has failed to cure such default within thirty (30) days of its receipt of a written notice from the Board specifying the nature of the default; provided, however, with respect to those defaults which are not capable of being cured within such thirty (30) day period, the City shall not be deemed to have committed an Event of Default under this Agreement if it has commenced to cure the alleged default within such thirty (30) day period and thereafter diligently and continuously prosecutes the cure of such default until the same has been cured.

#### ARTICLE SIX: CONSENT

Whenever the consent or approval of one or both parties to this Agreement is required hereunder, such consent or approval shall not be unreasonably withheld.

#### ARTICLE SEVEN: NOTICE

Notice to Board shall be addressed to:

Ronald DeNard, Senior Vice President of Finance  
Board of Education of the City of Chicago  
Finance Department  
42 West Madison Street, 2<sup>nd</sup> Floor  
Chicago, Illinois 60602

and

Ronald L. Marmer, General Counsel Board of Education of  
the City of Chicago , Law Department  
One North Dearborn Street, Suite 900 Chicago, Illinois  
60602

Notice to the City shall be addressed to:

City of Chicago  
Office of Budget and Management Attention:  
Budget Director

#### EXHIBIT A

City Hall, Room 604 121 N. LaSalle  
Street Chicago, Illinois 60602

and

City of Chicago  
Corporation Counsel  
121 North LaSalle Street, Room 600  
Chicago, Illinois 60602  
Attention: Finance and Economic Development Division

Unless otherwise specified, any notice, demand or request required hereunder shall be given in writing at the addresses set forth above, by any of the following means: (a) personal service; (b) [intentionally omitted]; (c) overnight courier; or (d) registered or certified mail, return receipt requested.

Such addresses may be changed when notice is given to the other party in the same manner as provided above. Any notice, demand or request sent pursuant to either clause (a) or (b) hereof shall be deemed received upon such personal service or upon dispatch by electronic means. Any notice, demand or request sent pursuant to clause (c) shall be deemed received on the day immediately following deposit with the overnight courier and, if sent pursuant to subsection (d) shall be deemed received two (2) days following deposit in the mail.

#### ARTICLE EIGHT: ASSIGNMENT; BINDING EFFECT

This Agreement, or any portion thereof, shall not be assigned by either party without the prior written consent of the other.

This Agreement shall inure to the benefit of and shall be binding upon the City, the Board and their respective successors and permitted assigns. This Agreement is intended to be and is for the sole and exclusive benefit of the parties hereto and such successors and permitted assigns.

#### ARTICLE NINE: MODIFICATION

This Agreement may not be altered, modified or amended except by written instrument signed by both parties hereto.

#### ARTICLE TEN: COMPLIANCE WITH LAWS

The parties hereto shall comply with all federal, state and municipal laws, ordinances, rules and regulations relating to this Agreement.

#### ARTICLE ELEVEN: GOVERNING LAW AND SEVERABILITY

#### EXHIBIT A

This Agreement shall be governed by the laws of the State of Illinois. If any provision of this Agreement shall be held or deemed to be or shall in fact be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all cases because it conflicts with any other provision or provisions hereof or any constitution, statute, ordinance, rule of law or public policy, or for any reason, such circumstance shall not have the effect of rendering any other provision or provisions contained herein invalid, inoperative or unenforceable to any extent whatsoever. The invalidity of any one or more phrases, sentences, clauses, or sections contained in this Agreement shall not affect the remaining portions of this Agreement or any part hereof.

#### ARTICLE TWELVE: COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one instrument. A signature delivered by facsimile or electronic means shall be considered binding for both parties.

ARTICLE THIRTEEN: ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties regarding the Program.

ARTICLE FOURTEEN: AUTHORITY

Execution of this Agreement by the City is authorized by the City's 2018 revenue ordinance passed by the City Council of the City on \_\_\_\_\_, 2017. Execution of this Agreement by the Board is authorized by Board Rule 7-15(d). The parties represent and warrant to each other that they have the authority to enter into this Agreement and perform their obligations hereunder.

ARTICLE FIFTEEN: HEADINGS

The headings and titles of this Agreement are for convenience only and shall not influence the construction or interpretation of this Agreement.

ARTICLE SIXTEEN: DISCLAIMER OF RELATIONSHIP

Nothing contained in this Agreement, nor any act of the City or the Board shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving the City and the Board.

ARTICLE SEVENTEEN: CONSTRUCTION OF WORDS

The use of the singular form of any word herein shall also include the plural, and vice versa. The use of the neuter form of any word herein shall also include the masculine and feminine forms, the masculine form shall include feminine and neuter, and the feminine form shall include masculine and neuter.

EXHIBIT A

ARTICLE EIGHTEEN: NO PERSONAL LIABILITY

No officer, member, official, employee or agent of the City or the Board shall be individually or personally liable in connection with this Agreement.

ARTICLE NINETEEN: REPRESENTATIVES

Immediately upon execution of this Agreement, the following individuals will represent the parties as a primary contact in all matters under this Agreement.

For the Board: Ronald DeNard, Senior Vice President of Finance

Board of Education of the City of Chicago Finance  
Department 42 West Madison Street, 2<sup>nd</sup> Floor Chicago,  
Illinois 60602 Phone: 773-553-1561 Email:  
rdenard@cps.edu <mailto:rdenard@cps.edu>

For the City: Samantha S. Fields, Budget Director  
City of Chicago  
Office of Budget and Management City Hall, Room  
604 121 N. LaSalle Street Chicago, Illinois 60602  
(312) 744-3323 (312) 744-3618 (Fax)

Each party agrees to promptly notify the other party of any change in its designated representative, which notice shall include the name, address, telephone number and fax number of the representative for such party for the purpose hereof.

[Signature Page Follows]  
EXHIBIT A

IN WITNESS WHEREOF, each of the parties has caused this Intergovernmental Agreement to be executed and delivered effective as of the date first above written.

City of Chicago, Illinois

By: Samantha S. Fields, Budget Director

Date: ^

Board of Education of the City of  
Chicago

By: Ronald DeNard, Senior Vice President of Finance :

Date:

Board Rule Sec. 7-15(d) Approved as to

legal form:

Ronald L. Manner, General Counsel

EXHIBIT A

AGREEMENT EXHIBIT 1 THE  
PROGRAM

The "Program" is anticipated to include the following CPS Programs:

1) Safe Passage

Safe Passage provides safe routes for students while traveling to and from school. Each identified school has a uniquely tailored strategy, which takes into consideration that school's community, popular modes of student transportation, arrival and dismissal times, and student residences.

2) After school/Out of school programs

After School All Stars provides schools with tools and resources to build comprehensive after school programming for about 35,000 CPS students in 241 schools.

After School Matters provides free out-of-school time opportunities in a variety of subject areas while introducing students to a variety of careers.

Safe Haven provides a safe haven for CPS students that is a reliable and no cost alternative place for students and parents during critical high violence periods in the city. Safe Haven is a partnership between CPS and the Faith Community with over 120 established partners.

3) School security officers

CPS employs over 1000 full-time and over 200 part-time school security officers to maintain a safe and secure environment in schools.

EXHIBIT A

AGREEMENT EXHIBIT 2  
REQUISITION/CERTIFICATION FORM  
REQUISITION/CERTIFICATION FORM

State of Illinois County of Cook

The affiant, \_\_\_\_\_, of the Board of Education of the City of Chicago, a body politic and corporate (the "Board"), hereby certifies to the City of Chicago (the "City") that with respect to that certain Intergovernmental Agreement between the Board and the City regarding the CPS Security Program dated effective July 1, 2017 (the "Agreement"):

A. The following is a true and complete statement of all expenditures for the Program by the Board to date, or expenditures anticipated for the Project during the Term of the Agreement:

TOTAL:

B. [intentionally omitted]

C. The Board requests disbursement for the following costs of the Program:

C. \$

D. None of the costs referenced in paragraph C above has been previously reimbursed/disbursed by the City.

E. The Board hereby certifies to the City that, as of the date hereof:

1. <sup>1</sup> Except as described in the attached certificate, the representations and warranties contained in the Agreement are true and correct and the Board is in compliance with all applicable covenants contained therein.

2. No Event of Default or condition or event that, with the giving of notice or passage of time or both, would constitute an Event of Default, exists or has occurred.

3. The Board is in compliance with all applicable federal, state and local laws, statutes, ordinances, rules, regulations, codes and executive orders, as well as all policies, programs and procedures of the Board, all as may be in effect from time to time, pertaining to or affecting the Program or the Board as related thereto.

F. Attached hereto are: (1) a cost itemization of the applicable portions of the budget attached as Exhibit 3 to the Agreement; and (2) evidence of the expenditures, or anticipated expenditures, for which the Board hereby seeks reimbursement/disbursement.

#### EXHIBIT A

All capitalized terms that are not defined herein have the meanings given such terms in the Agreement.

BOARD OF EDUCATION  
OF THE CITY OF CHICAGO, a body politic and corporate

By:  
Name:  
Title:

Subscribed and sworn before me this      day of

My commission expires:

EXHIBIT A

AGREEMENT EXHIBIT 3 TOTAL ESTIMATED PROGRAM COSTS

Safe Passage	\$ 19,200,000
Full-Time School Security Officers	52,389,689
Part-Time School Security Officers	2,584,795
Safe Haven Vendor Costs	955,000
Safe Haven Support Staff	406,802
After School All-Stars Staff Costs	2,564,823
After School All-Stars Non-Personnel Costs	160,000
After School Matters	2,000,213
TOTAL ESTIMATED PROGRAM COSTS	\$ 80,261,322

**EXHIBIT B**

**INTERGOVERNMENTAL AGREEMENT WITH CHICAGO TRANSIT AUTHORITY**

EXHIBIT B

**INTERGOVERNMENTAL GROUND TRANSPORTATION TAX AGREEMENT**

This Intergovernmental Ground Transportation Tax Agreement ("Agreement") is entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017, in accordance with the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., by and between the City of Chicago (the "City") and the Chicago Transit Authority (the "CTA"), pursuant to the authority granted by Article VII, Section 10 of the 1970 Constitution of the State of Illinois. In consideration of the mutual promises contained in this Agreement, and as contemplated by Section 3-46-030 of the Municipal Code of Chicago (the "Code"), as may be amended from time to time, the City and the CTA agree as follows:

WHEREAS, the CTA is a municipal corporation duly organized and existing under the laws of the State of Illinois; and

WHEREAS, the City is a municipal corporation and a home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois; and

WHEREAS, pursuant to Section 3-46-030 of the Code, the City has imposed a tax on all persons engaged in the occupation of providing ground transportation vehicles for use in the City (the "Tax"); and



WHEREAS, the 2018 Revenue Ordinance was adopted by the City Council of the City (the "City Council") on \_\_\_\_\_, 2017, and is published in the Journal of Proceedings of the City Council for said date at pages \_\_\_\_\_ to \_\_\_\_\_, inclusive (the "Revenue Ordinance"); and

WHEREAS, the Revenue Ordinance increased the amount of Tax imposed pursuant to Section 3-46-030(B)(1)(b-1) of the Code on ground transportation vehicles used in the City to provide transportation network service by transportation network drivers by an additional fifteen cents in 2018, which is estimated to generate an additional \$16,000,000 in Tax revenues in 2018; and

WHEREAS, the City wishes to provide to the CTA \$16,000,000 from Tax revenues collected each year commencing in 2018 to use for capital purposes, including debt service on financings issued by the CTA for capital projects; and

WHEREAS, the City's Chief Financial Officer (the "CFO") has designated the Department of Finance (the "Department") with the responsibility for carrying out the City's responsibilities under this Agreement until such time as the CFO changes such designation; and

WHEREAS, the City and the CTA have each been duly authorized to enter into this Agreement;

x NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants here and after contained, agree as follows:

1. The foregoing recitals are expressly incorporated by reference and made part of this Agreement as though fully set forth below.

## EXHIBIT B

2. (a) Pursuant to Section 3-46-030 of the Code, the Department shall remit to the CTA or its designee in 2018, and each calendar year thereafter, a total of \$16,000,000 from revenues collected from the Tax (the "City Funds"), subject to the provisions of subsection (b) below. The City agrees that City Funds may be deposited in a trust or placed in escrow pending use by the CTA for capital expenditures or debt service on capital financing.

b) The CTA acknowledges and agrees that (i) the City's obligation to pay the City Funds is contingent upon the CTA fulfilling all conditions for funding set forth in this Agreement, and (ii) the City has the sole authority to amend the Code, including but not limited to Section 3-46-030, which may result in reduction or elimination of Tax revenues; provided, however, that the City covenants to not amend the Code in a way which would reduce or eliminate the payment of Tax revenues each year to the CTA in the amount of \$16,000,000 while any financings issued by the CTA and secured by such Tax revenues remain outstanding.

c) The City Funds shall only be used by the CTA for capital purposes, including debt service on financings issued by the CTA for capital projects.

3. For each calendar year beginning in 2018, the Department will make twelve monthly payments

of the City Funds to the CTA by the last business day of the month following the month of their collection by the Department. The first eleven installments of each year shall be in the amount of \$1,333,333 and the twelfth, and final, installment for each year shall be in the amount of \$1,333,337.

4. The CTA shall submit a written report to the City Clerk annually on or before July 1 describing how the CTA used the City Funds in the preceding year (or partial year in the case of the July 1, 2018 report) to be forwarded by the City Clerk to the City Council.

5. The Department and the CTA agree not to disclose to third parties any information provided to either of them by the other (or by the other party's agents, contractors or subcontractors) that is confidential under Section 3-4-080 of the Code, except as ordered by court or otherwise provided by law.

6. No official, employee or agent of either the City or the CTA shall be charged personally by the other party (or by any of the other party's agents, contractors, subcontractors or assignees) with any liability or expenses of defense or be held personally liable to them under any term or provision of this Agreement or because of the City's or the CTA's execution, attempted execution or breach of this Agreement.

7. In the event that the Auditor General of the State of Illinois requires and/or requests from the CTA an audit of the City Funds, the City shall also be entitled to require and/or request such an audit of the CTA.

8. This Agreement shall continue in full force and effect until the earlier of: (i) this Agreement is terminated by the City as provided in Section 9(a) below; or (ii) subject to Section 2(b) above, the City is no longer required by law to pay to the CTA the City Funds for any reason, including but not limited to an amendment of the Code by the City Council.

## EXHIBIT B

9. (a) This Agreement may not be amended or modified without the prior written consent of the parties hereto. This Agreement may be terminated upon written notice being given by the City to the CTA of such termination; provided however, that the City covenants not to send any such notice of termination to the CTA while any financings issued by the CTA and secured by the Tax revenues provided to the CTA pursuant to Section 3-46-030 of the Code remain outstanding.

b) This Agreement constitutes the entire agreement between the parties hereto and it supersedes all prior agreements, negotiations and discussions between the parties relative to the subject matter hereof.

c) This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same agreement.

d) If any provision in this Agreement, or any paragraph, sentence, clause, phrase, word or the application thereof, in any circumstance, is held invalid, this Agreement shall be construed as if such invalid part were never included herein and the remainder of this Agreement shall be and remain valid and enforceable to the fullest extent permitted by law.

e) In the event of a conflict between any provisions of this Agreement and the Code, the Code shall prevail and control.

f) This Agreement shall be governed by and construed in accordance with the internal laws of the State of Illinois, without regard to its conflicts of law principles.

g) All documents required by this Agreement to be submitted, delivered or furnished to the City shall be in form and content satisfactory to the City.

h) The CTA may not sell, assign or otherwise transfer its interest in this Agreement in whole or in part without the written consent of the City.

(i) This Agreement shall be binding upon the City, the CTA and their respective successors and permitted assigns (as provided herein) and shall inure to the benefit of the City, the CTA and their respective successors and permitted assigns (as provided herein). This Agreement shall not run to the benefit of, or be enforceable by, any person or entity other than a party to this Agreement and its successors and permitted assigns. This Agreement should not be deemed to confer upon third parties any remedy, claim, right of reimbursement or other right.

(j) If there is a lawsuit under this Agreement, each party hereto agrees to submit to the jurisdiction of the courts of Cook County and the State of Illinois.

> EXHIBIT B

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by its duly authorized officer as of the date first written above.

CITY OF CHICAGO:

By:  
Carole L. Brown Chief Financial Officer

CHICAGO TRANSIT AUTHORITY:

By:  
Dorval R. Carter, Jr. President

CHICAGO November 15, 2017

**To the President and Members of the City Council:**

**Your Committee on Finance having had under consideration**

A substitute ordinance authorizing amendments to various sections of the Municipal Code of Chicago, which relate to revenue derived from certain taxes, fines, and fees.

02017-7809

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

**This recommendation was concurred in by** (arvjva voce vote^)  
**of members of the committee with** dissenting vote(s)T-

Alderman George Cardenas and Alderman Brendan Reilly abstained from voting under the provisions of Rule 14.

**Respectfully submitted**

**7**

**(signed)**

**Chairman**