



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2010-5121
Type: Ordinance **Status:** Passed
File created: 10/6/2010 **In control:** City Council
Final action: 11/10/2010
Title: Amendment of Municipal Code Chapter 7-28 to further regulate corrosive acids and hazardous substances
Sponsors: Burke, Edward M.
Indexes: Ch. 28 Health Nuisances
Attachments: 1. SO2010-5121, 2. SO2010-5121.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|---------------------|--------|
| 11/10/2010 | 1 | City Council | Passed | |
| 11/8/2010 | 1 | Committee on Finance | Recommended to Pass | |
| 10/6/2010 | 1 | City Council | Referred | |

SUBSTITUTE ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the powers to regulate for the protection of the public health, safety and welfare of its citizens; and

WHEREAS, it is in the best interest of the City of Chicago to take proactive measures in addressing the growing number of sulfuric acid attacks; and

WHEREAS, these attacks damage our families and hinder the progress of our neighborhoods; and

WHEREAS, acid attacks are common occurrences in Cambodia, Afghanistan, India, Bangladesh, Pakistan, and are on the rise in the United States; and

WHEREAS, in 2010, there have been at least five assaults with caustic substances across the City of Chicago; and

WHEREAS, when human flesh comes into contact with sulfuric acid, it causes the skin tissue to melt, often exposing the bones below the flesh, sometimes even dissolving the bone; and

WHEREAS, acid attacks of the eye can cause permanent damage; and

WHEREAS, scars left by sulfuric acid cause much more than just skin problems; victims can suffer psychological trauma or social isolation; and

WHEREAS, Esperanza Medina was attacked by sulfuric acid when leaving her Logan Square apartment one

morning in July 2008; and

WHEREAS, sulfuric acid, thrown at her by teenagers burned her arms, back, neck, and face; and

WHEREAS, within minutes the acid had destroyed about a quarter of her skin, turning it into a dry, hard leather; and

WHEREAS, Ofelia Garcia and Maria Olvera-Garcia hired the three teenagers to throw sulfuric acid at Ms. Medina because she was dating their ex-boyfriend, the teens have plead guilty; and

WHEREAS, on Wednesday, September 29, 2010, Garcia and Olvera-Garcia were found guilty of heinous battery; and

WHEREAS, on May 25, 2006, Karli Butler was attacked by a group of women with whom she had had a previously altercation, Ms. Butler was threatened at gunpoint while another woman splashed acid on her face and body, because of something that her boyfriend had done; and

WHEREAS, battery acid, a diluted form of sulfuric acid, burned over 30% of Ms. Butler's body, who incurred third and fourth degree burns; and

WHEREAS, today Ms. Butler spends her free time talking and educating students and law enforcement officials about acid burns; and

WHEREAS, in May 2010 Ms. Medina and Ms. Butler met for the first time after months of talking and together they have created a Facebook support group for acid burn survivors that has grown to 290 members; and

WHEREAS, Ms. Medina and Ms. Butler hope to create a formal support group in the Chicago area; and

WHEREAS, both women are committed to working with lawmakers to make it more difficult for people to obtain sulfuric acid; and

WHEREAS, the Municipal Code of Chicago does regulate corrosive or caustic acid, phosphorus, or any solution or mixture thereof, or any hydrogen sulfide, valerianic acid, ammonium valerianate, valerianate of zinc, or any other nauseous, offensive, or filthy substance of like or similar nature; and

WHEREAS, given the dangers of sulfuric acid, it is imperative that we place restrictions on the sale and purchase of sulfuric acid in the City of Chicago to prohibit future acid attacks; NOW, THEREFORE,

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

SECTION 1. The above recitals are expressly incorporated herein and made a part hereof as set forth herein.

SECTION 2. Section 7-28-630 of the Municipal Code of Chicago is hereby amended by inserting the language as underscored and by deleting the language as struckthrough as follows:

7-28-630 Possession and sale - Violation - Penalty

It shall be unlawful for any person to have in his possession, or for any person to carry about, any corrosive or caustic acid, including but not limited to sulfuric acid, phosphorus, or any solution or mixture thereof, or any hydrogen sulfide, valerianic acid, ammonium valerianate, valerianate of zinc, or any other nauseous, offensive, or filthy

substance of like or similar nature; provided, that this provision shall not apply to manufacturing and wholesale druggists, retail druggists, physicians, chemists, regularly established laboratories, or to persons who have procured any of said substances for medicinal purposes upon a prescription of a physician regularly licensed under the laws of the state.

No person shall, sell, give away, or offer to sell or give away, or have in his possession any stink ball or fire call, or any bomb, ball tube, vial, or bottle made of thin glass or other easily breakable material containing any of the above-mentioned substances.

Any violation of this section shall be subject to a fine of not less than \$500.00 ~~\$50.00~~ nor more than \$1500.00 ~~\$200.00~~ for each offense.

SECTION 3. Chapter 7-28 of the Municipal Code of Chicago is hereby amended by creating a new Section 7-28-631 and inserting the language underscored as follows:

7-28-631 Corrosive or Caustic Acid Registry

Restrictions on purchase, receipt, or acquisition of any corrosive or caustic acid.

(a) Except as provided in Subsection (c) of this Section, wishing to purchase, receive, or otherwise acquire any corrosive or caustic acid, including but not limited to sulfuric acid, shall, prior to taking possession:

(1) provide a driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and

(2) sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of any corrosive or caustic acid, including but not limited to sulfuric acid.

fbl Except as provided in subsection (c) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than one package from a retail location in a 24-hour period.

(c) This Section shall not apply to manufacturing and wholesale druggists, retail druggists, physicians, chemists, regularly established laboratories, or to persons who have procured any of said substances for medicinal purposes upon a prescription of a physician regularly licensed under the laws of the state.

The Commissioner of the Department of Business Affairs and Consumer Protection shall have the authority to promulgate rules and regulations for the implementation and enforcement of this Section.

Alderman Richard Mell 33rd Ward

Alderman Carrie Austin 34th Ward

CHICAGO November 10.2010 To the President
and Members of the City Council: Your Committee on Finance having had under consideration
A substitute ordinance amending Section 7-28-630 of the Municipal Code of Chicago.

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

Ordinance Transmitted Herewith

This recommendation was concurred in by
of members of the committee with **dissenting voWs).**

Respectfully submitted

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Chairman