



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2013-8465
Type: Ordinance **Status:** Passed
File created: 11/13/2013 **In control:** City Council
Final action: 11/26/2013
Title: Amendment of Municipal Code Titles 3, 4, 9 and 17 regarding various fines and fees (2014 Revenue Ordinance)
Sponsors: Emanuel, Rahm
Indexes: Ch. 13 Review & Approval Procedures, Ch. 42 Cigarette Tax, Ch. 92 Impounding & Relocation of Vehicles, Ch. 100 Admin. Adjudication of Parking or Compliance Violations, Ch. 156 Amusements
Attachments: 1. SO2013-8465.pdf, 2. O2013-8465.pdf

Date	Ver.	Action By	Action	Result
11/26/2013	1	City Council	Passed as Substitute	Pass
11/20/2013	1	City Council	Deferred and Published	
11/18/2013	1	Committee on Finance	Recommended to Pass	Pass
11/13/2013	1	City Council	Referred	

AMENDED 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:

SECTION 1. Section 3-42-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3 42-020 Tax imposed.

(a) A tax at the rate of ~~\$.034 (thirty-four mills)~~ \$.059 (fifty-nine mills) per cigarette is hereby imposed upon all cigarettes possessed for sale and upon the use of all cigarettes within the City of Chicago, the ultimate incidence of and liability for payment of said tax to be borne by the consumer of said cigarettes. The tax herein levied shall be in addition to any and all other taxes.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-156-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

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 of this section provides for a lower rate.

(Omitted text is unaffected by this ordinance)

J. Notwithstanding subsection A of this section, if an owner, manager or operator of an amusement or of a place where an amusement is being held, or if a reseller of tickets to an amusement, is a party to a franchise agreement or any other agreement with the city pursuant to which the owner, manager, operator or reseller compensates the city for the right to use the public way or to do business in the city, the patron's liability under the tax imposed by subsection

A shall be reduced by the amount paid to the city pursuant to the agreement in connection with the same charges that create the patron's liability for the tax imposed by subsection A; provided, however, that the reduction shall not exceed three percent of the charges that create the patron's liability for the tax imposed by subsection A.

SECTION 3. Section 9-92-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-92-080 Release procedure for impounded vehicles.

a) Unless a vehicle is held pursuant to applicable state, federal or any other law, or a court order or warrant that authorizes the continued impoundment of the vehicle, the owner or other person entitled to possession of a vehicle impounded pursuant to Section 9-92-030 may obtain immediate release of the vehicle by paying the full amount of the applicable towing and storage fees, as provided in subsection (b), plus all amounts due for outstanding final determinations of parking and/or compliance violations (if the vehicle is also subject to immobilization for unpaid final determinations of parking and/or compliance violations). Regardless of whether the owner or other person entitled to possession obtains immediate release of the vehicle through making full payment, such person may request a hearing before the department of administrative hearings to be held in accordance with Section 2-14-135 of this Code.

b) The owner or other person entitled to possession of a vehicle lawfully impounded pursuant to Section 9-92-030 or Section 9-100-120 shall pay a fee of \$150.00, or \$250.00 if the vehicle has a gross weight of 8,000 pounds or more, to cover the cost of the towing and a fee of ~~\$10.00~~ \$20.00 per day for the first five days and \$35.00 per day thereafter, or \$60.00 per day for the first five days and \$100.00 per day thereafter if the vehicle has a gross weight of 8,000 pounds or more, to cover the cost of storage, provided that no fees shall be assessed for any tow or storage with respect to a tow which has been determined to be erroneous.

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 9-100-020 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-100-020 Violation - Penalty.

(Omitted text is unaffected by this ordinance)

(b) The fines listed below shall be imposed for a violation of the following sections of the traffic code:

Traffic Code Section Fine

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(Omitted text is unaffected by this ordinance)

9-64-040(b)
9-64-041
9-64-050
5%~~m~~ 60.00 60.00
~~200.00~~ 250.00

9-64-080

9-64-100(a)

9-64-160 9-64-170(a) 9-64-170(~~a~~) and (b) 9-64-170(c) 9-64-170(d)

(Omitted text is unaffected by this ordinance)

~~mm~~ 100.00

(Omitted text is unaffected by this ordinance)

~~100.00~~ 150.00

(Omitted text is unaffected by this ordinance)

60.00 75.00 25.00 60.00 125.00

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 17-13-0103 of the Municipal Code of Chicago is hereby amended by adding a new subsection 17-13-0103-C, by deleting the language struck through and by inserting the language underscored, as follows:

17-13-0103 Filing Fees.

17-13-0103-A Applications must be accompanied by the following fees:

Application Type	Fee
Applications filed by Mayor, Council members, City Departments, Public Bodies/Agencies	None
Plats	
New Construction	

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Structures 10,000 square feet in area or less	Electronic: \$75 In-person: \$1,500
Structures between 10,000-100,000 square feet in area	\$25 per 2,500 square feet Electronic: \$250 plus \$25 per 1,000 square feet In-person: \$5,000 plus \$50 per 1,000 square feet
Structures exceeding 100,000 square feet in area	\$23 per 5,000 square feet Electronic: \$2,500 plus \$25 per 2,500 square feet In-person: \$7,500 plus \$50 per 2,500 square feet
Repairs/Alterations to Existing Construction	
Residential construction, 5 units or less	Electronic: \$50 In-person: \$1,500
Residential construction, exceeding 5 units	Electronic: \$75 In-person: \$1,500
Nonresidential construction	Electronic: \$75 In-person: \$1,500
Public Notice	\$25
Zoning Map Amendments (Rezoning)	\$1,000
Special Use	\$560 \$1,000
Planned Development	\$1,500
Air Rights Planned Development	\$1,000 + \$200/net developable acre as measured at the established air rights plane
Variation	\$250 \$500
Administrative Adjustment	\$250 \$500
Advisory Opinion	\$50 \$150
Reinspection	\$100
Inspection of Motor Vehicle Repair Shop	\$75 annually
Sign Permit - on premises	\$200

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Sign Permit - off premises	\$500
Appeal	\$500

17-13-0103-B Application fees are nonrefundable.

17-13-0103-C Failure to attend in-person review or provide documentation. If an applicant who has requested in-person review fails to attend the in-person review at the designated appointment time for a third time, or fails to provide all the necessary documents to complete the application by the third in-person review, the application shall be considered incomplete and expired. If the application expires or is withdrawn, the person may file a new application, accompanied by the appropriate fee, and all documentation required to complete the application.

SECTION 6. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by adding a new section 4-64-205, underscored as follows:

4-64-205 Reward for information regarding illegal sale of cigarettes.

(a) Definitions. As used in this section:

"Illegal sale of cigarettes" means any violation of Sections 3-42-020(d), 4-64-190 or 4-64-191.

(b) Reward authorized. A reward of \$ 100.00 for information resulting in a conviction or finding of liability for illegal sale of cigarettes is hereby authorized. Such reward shall be administered by the department of health, in conjunction with the department of business affairs and consumer protection.

(c) Eligibility criteria. Persons who report instances of illegal sale of cigarettes to the City by calling the City of Chicago's non-emergency telephone number, 3-1-1, or by using other verifiable means of notification (e.g. letter, e-mail) to the police department or department of business affairs and consumer protection, will be eligible for the reward authorized under subsection (b) of this section if all of the following requirements are met: (1) the person reporting the violation identifies himself/herself and provides his/her contact information to the 3-1-1 operator or department notified of the violation; and (2) the person reporting the violation completes and signs a witness report; and (3) the witness report results in a conviction or finding of liability for illegal sale of cigarettes of the person(s) identified in such report as having committed the violation on the date and at the time set forth in such report. Provided further, that city employees shall not be eligible for the reward authorized under this section.

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(d) Reward process. The commissioner of health, in conjunction with the commissioner of business affairs and consumer protection, shall establish processes for (1) determining whether the eligibility criteria set forth in subsection (c) of this section for claiming the reward have been met, (2) notifying the person identified in the witness report of the fact of a conviction or finding of liability and the procedures that must be followed by such person to claim the reward; (3) notifying the comptroller that the reward has been claimed; and (4)

otherwise implementing the requirements of this section. If, in a particular case, a determination is made that more than one witness report resulted in a conviction or finding of liability, the \$100.00 reward provided for under this section shall be divided equally among the person(s) who signed the applicable witness reports.

(e) Disclaimers. Nothing in this section shall be construed to create a private right of action to enforce this section. The City reserves the right, in its sole discretion, with or without notice, to terminate at any time and for any reason the reward authorized under this section. The City shall not be liable for any damages, whether direct, indirect, incidental, special or consequential, related in any way to such reward, or for any consequences following therefrom or related thereto.

SECTION 7. 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 8. All ordinances, resolutions, motions or orders inconsistent with this ordinance are hereby repealed to the extent of such conflict.

SECTION 9. Following due passage and approval, Section 1 of this ordinance shall take effect on January 10, 2014. The remainder of this ordinance shall take effect on January 1, 2014.

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CHICAGO November 26, 2013 To the President and

Members of the City Council: Your Committee on Finance having had under consideration

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

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 **(a(viva voce vote**
of members of the committee with **dissenting vote(s)T**

Respectfully submitted

(signedTCQ^ ^J^V-^-^
Chairman