



Office of the City Clerk

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Legislation Details (With Text)

File #: O2014-5862
Type: Ordinance **Status:** Failed to Pass
File created: 7/30/2014 **In control:** City Council
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Title: Amendment of Municipal Code Section 4-6-150 regarding legal duties of junk peddler licensees
Sponsors: Lane, Lona
Indexes: Ch. 6 Regulated Business License
Attachments: 1. O2014-5862.pdf

Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	Fail
7/30/2014	1	City Council	Referred	

ORDINANCE

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

SECTION 1. Section 4-6-150 of the Municipal Code of the City of Chicago is hereby amended by the language underscored, as follows:

ARTICLE XV. JUNK PEDDLER 4-6-150 Junk peddlers.

a) Definitions. As used in this section:

"Fence" means and includes any place for the purchase, reception or keeping of stolen goods.

"Junk" means, but is not limited to, old iron; chain; brass; copper; tin; lead or other base metals; old rope; old bags; rags; wastepaper; paper clippings; scraps of woollens; clips; bagging; rubber and glass; empty bottles of different kinds and sizes when the number of each kind or size is less than one gross; all materials, elements and components that have been used or have been purchased to be used in building construction or rehabilitation projects; and all articles and things discarded or no longer in use.

"Junk" includes items and materials stored for resale with no more processing than sorting, crushing or separation from other items and materials.

"Junk peddler" means any person who travels, with or without a vehicle, from place to place within the city for the purpose of collecting, transporting or disposing of junk or who makes a business of purchasing junk from anyone who desires to sell it and carries it away upon purchasing it. The term "junk peddler" does not include any person issued a permit to operate a recycling facility under Article XVII of Chapter 11-4 of this Code or any agent of such person, or any person issued a permit to operate a junk facility under Article XVI of Chapter 1_L 4 of this Code or any agent of such person.

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

1) a statement as to whether, within three years of the date of application or renewal, the applicant or any controlling person has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving keeping, conducting, operating or participating in any illegal operation connected with the junk peddler business;

2) the color, make, model, vehicle license plate number and city wheel tax license emblem number of every vehicle used in relation to junk peddling by the applicant;

3) proof of liability insurance for every vehicle used in relation to junk peddling by the applicant, as required by the Illinois Vehicle Code, codified at 625 ILCS 5/1-100 et seq.

(c) License issuance and renewal - Prohibited when. No regulated business

license to engage in the business of junk peddler shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who, within three years of the date of application or renewal, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving keeping, conducting, operating or participating in any illegal operation connected with the junk peddler business.

d) *Departmental duties.*

1) The commissioner of business affairs and consumer protection shall notify the commissioner of health, the commissioner of streets and sanitation and the superintendent of police of the name and junk peddler license number of every junk peddler licensed under this section.

2) The department of business affairs and consumer protection shall issue to each licensee an identification card stating the junk peddler's name, address, telephone number, driver's license number and junk peddler license number.

e) *Legal duties.* Each licensee engaged in the business of junk peddler shall have a duty to:

1) observe and comply with all provisions of this Code related to use of the public way, solid waste disposal and sanitation;

2) display on each side and the rear of every junk vehicle used for the collection, transportation or disposal of any junk, in letters not less than two inches in height and in contrasting color, the following information: the licensee's name, business telephone number and city junk peddler license number;

3) carry the identification card issued under subsection (d)(2) of this section at all times while the licensee is engaged in the business of junk peddler;

4) upon request by any authorized city official, make available for inspection by such authorized city official or aldermen (i) any goods, article, thing or junk which may have been lost or stolen, or which is alleged to have been lost or stolen; (ii) the licensee's business premises; (iii) any vehicle used in relation to the licensee's business; and (iv) junk;

5) lawfully dispose of junk by hauling or otherwise bringing junk to a junk facility, recycling facility, transfer station, landfill or other solid waste disposal facility properly permitted by the city in accordance with the requirements of Chapter 11-4 of this Code;

6) keep and maintain, in the form of records and receipts, proof of proper disposal of junk.

7) keep and maintain record of any purchase of old iron, brass, copper, tin, lead, or base metals

8) require a driver's license or other government-issued photo identification with the peddler's information and record a photocopy or electronic scan of the seller's photo identification, and include a description of the material purchased, to be made available upon request by any authorized city official. If the seller of these materials does not have a valid, government issued identification, the purchaser shall not complete the transaction.

9) pay the seller only by mailing a check or money order to be mailed to the seller's address shown on the identification card presented and recorded. If the purchase of old iron, brass, copper, tin, lead, or base metals exceeds \$25.00 in one business day from one individual seller, purchaser shall not deliver payment exceeding \$25.00 in person or using other form of delivery.

f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of junk peddler to:

1) engage in the business of a pawnbroker, secondhand dealer or itinerant merchant;

2) park any vehicle used in relation to junk peddling on any residential or business street in violation of Section 9-64-170 of this Code;

3) or operate any vehicle used in relation to junk peddling in such a manner as to present a danger or hazard to pedestrians and/or other vehicles using the public way. Conduct that may create a hazard

includes, but is not limited to, operating a vehicle with unsecured loads or disassembling or discarding items on the public way;

- 4) purchase any article from any minor without the written consent of such minor's parent or guardian, which consent shall be signed in the presence of the licensee or the licensee's agent;
- 5) purchase any item from a person who (i) appears to be intoxicated or under the influence of any drug; or (ii) is known by the licensee to be a thief or to have been convicted of burglary or theft;
- 6) engage in any illegal activity or violate any state law related to stolen goods;
- 7) transact business before the hour of 6:00 a.m. or after the hour of 9:00 p.m.

g) Penalty. In addition to any other penalty provided by law, any person who violates any provision of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition, such violation may be punishable as a misdemeanor by incarceration in the county jail for a term of not less than 7 days nor more than 180 days under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.

SECTION 2. This ordinance shall take effect 30 days after its passage and approval.