



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2016-7983

**Type:** Ordinance **Status:** Passed

**File created:** 11/1/2016 **In control:** City Council

**Final action:** 11/16/2016

**Title:** Amendment of Municipal Code Titles 1, 2, 3, 4, 7, 9, 10, 11, 13, 15 and 18 regarding various department functions and duties (2017 Management Ordinance) and associated first amendment to Coordinated City Digital Sign Program Agreement

**Sponsors:** Emanuel, Rahm

**Indexes:** Ch. 4 Bureau of Fire Prevention, Ch. 4 Code Adoption-Organization, Ch. 4 General Licensing Provisions, Ch. 5 Chicago Recycling Ordinance, Ch. 5 License Fees for Title 4 Licenses, Ch. 6 Regulated Business License, Ch. 8 Food Establishments, Ch. 12 Animal Care & Control, Ch. 12 City Clerk, Ch. 12 Enforcement of Building, Electrical & Fire Regulations, Ch. 12 Water Supply & Service, Ch. 14 Dept. of Administrative Hearings, Ch. 16 Animal Care & Control, Ch. 17 Restricted Residential Zones, Ch. 20 Building Inspection, Ch. 20 Work On & Under Public Ways, Ch. 21 Chicago Underground Facilities Damage Prevention Ordinance, Ch. 28 Drain Layers, Ch. 28 Health Nuisances, Ch. 28 Structures On & Under Public Ways, Ch. 29 Water Service Charges & Plumbing Requirements, Ch. 32 Building Permits, Ch. 32 Trees, Plants & Shrubs, Ch. 36 Licensing of General Contractors, Ch. 40 Chicago Harbor, Ch. 51 Commissioner of Fleet & Facility Management, Ch. 56 Wheel Tax Licenses, Ch. 60 Liquor Dealers, Ch. 64 Parking Regulations, Ch. 64 Tobacco Dealers, Ch. 68 Ambulances, Ch. 68 Restricted Parking-Permits & Regulations, Ch. 72 Size & Weight Limits, Ch. 75 Childrens Services Facility, Ch. 76 Vehicle Equipment, Ch. 80 Miscellaneous Rules, Ch. 83 Heliports, Ch. 92 Impounding & Relocation of Vehicles, Ch. 100 Admin. Adjudication of Parking or Compliance Violations, Ch. 102 Dept. of Transportation, Ch. 106 Dept. of Water Management, Ch. 108 Horse-Drawn Carriages, Ch. 110 Pedicabs, Ch. 112 Dept. of Public Health, Ch. 112 Public Passenger Vehicles, Ch. 114 Public Passenger Vehicles other than Taxicabs, Ch. 115 Transportation Network Providers, Ch. 116 School Vehicle Registration, Ch. 120 Commissioners & Commissions, Ch. 124 Safeguards During Construction-Building Safety Requirements, Ch. 144 Weapons, Ch. 151 License - Application and Issuance Procedures, Ch. 156 Amusements, Ch. 168 Bicycle Messenger Services, Ch. 232 Motor Vehicle Storage & Sales, Ch. 280 Cable Communication, Miscellaneous

**Attachments:** 1. SO2016-7983.pdf, 2. SO2016-7983 (V1).pdf, 3. O2016-7983.pdf

Date	Ver.	Action By	Action	Result
11/18/2016	1	City Council	Signed by Mayor	
11/16/2016		City Council	Passed as Substitute	Pass
11/9/2016	1	City Council	Deferred and Published	
11/7/2016	1	Committee on Budget and Government Operations	Recommended to Pass	Pass
11/1/2016	1	City Council	Referred	

### SUBSTITUTE

### MANAGEMENT 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, structure, powers and functions of its departments and agencies 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 ten Articles, as follows:

- Article I. Animal Care and Control
- Article II. Insurance and Indemnification
- Article III. Residential Parking Permits
- Article IV. Water Management
- Article V. Retail Tobacco
- Article VI. DIGGER
- Article VII. Pharmaceutical Representatives
- Article VIII. Miscellaneous
- Article IX. Severability; Repealer
- Article X. Effective Dates

**ARTICLE I. ANIMAL CARE AND CONTROL**

SECTION 1. Title 2 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 2-16, as follows:

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**CHAPTER 2-16 ANIMAL CARE AND  
CONTROL**

**2-16-010 Chicago Animal Care and Control - Establishment and composition.**

There is hereby established an executive department of the municipal government of the City which shall be known as Chicago Animal Care and Control, which shall have the powers and duties set forth in this chapter. The Department shall be administered by an Executive Director, who shall be appointed by the Mayor, subject to approval by the City Council, and staffed by such other employees as may be provided for in the annual appropriation ordinance.

**2-16-015 Executive Director - Powers and duties.**

The Executive Director shall have general supervision over the Department and its employees, and also the following powers and duties:

- a) To administer and enforce Chapter 7-12, including supervising and administratively directing the work of the animal control center or centers established by and defined in that Chapter;
- b) To coordinate the activities of such animal control center or centers with the activities of other animal control and regulatory agencies within the State of Illinois and with humane societies as such societies are defined in Chapter 7-12;
- c) To supervise and administratively direct any neutering and spaying clinic established by the Department, and to enter into and execute contracts, subject to the availability of duly appropriated funds, with one or more accredited veterinary colleges to provide the services in Section 7-12-115;
- d) To enter into partnerships and execute contracts for medical services with educational institutions, including veterinary colleges and other organizations, as shall be necessary or advisable in connection with the implementation of such agreements and any renewals thereto to further the Department's mission of increasing live outcomes; and, in connection with agreements entered into under this section, to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of duly appropriated funds, as shall be necessary or advisable in connection with the implementation of such agreements and any renewals thereto;
- e) To formulate and direct an educational program to develop better animal care;
- f) To enforce Article XXII of Chapter 11-4 of this Code and to notify the Commissioner of Business Affairs and Consumer Protection of any violation for which the

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Commissioner of Business Affairs and Consumer Protection is authorized to issue an emergency abatement order as set forth in Section 11-4-3030(b) of this Code;

- g) To waive adoption fees to further the Department's mission of increasing live outcomes;
- h) To establish accounts with suppliers of goods for the purposes of purchasing supplies through donor grants;
- (i) To enter into and execute sponsorship agreements with sponsors of events, programs, and initiatives under the Executive Director's jurisdiction.' Such sponsorship agreements shall contain such terms and conditions that the Executive Director deems appropriate. All sponsorship agreements shall be subject to the approval of the Corporation Counsel as to form and legality. For purposes of this definition, "sponsors" means those persons

providing money or other in-kind goods or services to the City in exchange for advertising or promotional rights at events, programs, or initiatives under the Executive Director's jurisdiction.

Persons meeting the definition of sponsor in the previous sentence may, in the discretion of the Executive Director, and upon such terms as the Executive Director determines, sell goods and services to the public at such events, programs, or initiatives; and

(j) To promulgate such policies and rules as are necessary or useful to implement the administration and enforcement of this Chapter and Chapter 7-12.

References in the Municipal Code to the Executive Director shall be deemed to include the Executive Director's designee(s).

#### **2-16-020 Succession.**

The Executive Director and the Department shall assume all rights, powers, duties, obligations and responsibilities of the commission on animal care and control as of the effective date of this chapter except for those Commission powers and duties expressly retained. All personnel, books, records, property and funds relating to the commission shall be made available to the Department. The Department shall succeed to the rights and duties of the commission under existing contracts, grant or loan agreements or programs, or other agreements or ordinances. All rules or regulations issued by the Commission or the Executive Director in effect as of the effective date of this chapter shall remain in effect until amended or repealed by the Executive Director.

SECTION 2. Title 2 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting in Chapter 2-120 a new Article I, underscored as follows:

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#### **ARTICLE 1. RESERVED COMMISSION ON ANIMAL CARE AND CONTROL**

##### **2-120-010 Commission established - Terms of members.**

There is hereby established a commission to be known as the "Commission on Animal Care and Control, City of Chicago." Said Commission shall consist of nine members to be appointed by the Mayor, three of whom shall be members, respectively, of the Police Department, Health Department, and the Department of Streets and Sanitation; with the remaining six members to include at least one representative of a humane society as hereinafter defined, at least one veterinarian licensed under the laws of the State of Illinois, and at least three private citizens. All Commission members shall be residents of the City of Chicago and shall serve without compensation.

The Commission shall function as an advisory body to the Mayor and to Chicago Animal Care and Control with regard to animal-related matters in the City of Chicago. The Mayor shall designate one of its members to act as chairman for a term of 12 months, subject to redesignation for any number of additional terms of two years. The Commission shall

meet at least once every three months, unless otherwise determined by the Commission or when called upon to do so by the chairman.

Each Commission member shall serve for a period of two years from date of appointment, subject to reappointment by the Mayor for any number of additional terms of two years, except that four of the initial appointments as designated by the Mayor shall be for a term of only one year. Each Commission member shall serve until a successor has been appointed by the Mayor. The Mayor shall appoint members to fill vacancies which may occur due to death, resignation or incapacity.

## **2-120-020 Duties.**

The Commission shall have the duty to provide an annual report to the Executive Director of the Department that makes recommendations for the continual improvement of operations and live outcomes.

SECTION 3. Section 7-12-010 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 4. Section 7-12-015 of the Municipal Code of Chicago is hereby repealed in its entirety.

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SECTION 5. Section 7-12-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

## **7-12-020 Definitions.**

As used in this chapter, the following are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that a different meaning is intended:

"Animal" means any living vertebrate, domestic or wild, not including man.

"Animal control center" means a facility operated by and under the direct supervision of the ~~executive director~~ Executive Director of the ~~commission~~ for the purpose of impounding animals as henceforth set out in this chapter.

"Animal control officer" means an employee of the ~~commission~~ Department who shall be responsible to it and the ~~executive director~~ Executive Director and have the power and authority to issue citations for any violations of this ordinance relating to the care, treatment, control or impoundment of animals.

*(Omitted text is unaffected by this ordinance)*

"Commission" means the ~~commission on animal care and control~~ Commission on Animal Care and Control.

*(Omitted text is unaffected by this ordinance)*

"Department" means Chicago Animal Care and Control.

*(Omitted text is unaffected by this ordinance)*

"Executive director" means the ~~executive director~~ Executive Director of the ~~commission on animal care and control~~ Department.

*(Omitted text is unaffected by this ordinance)*

"Impounded" means having been taken into the custody of the ~~commission~~ Department or any other facility designated by the ~~executive director~~ Executive Director.

*(Omitted text is unaffected by this ordinance)*

"Visiting hours" means posted days and hours during which an animal control center operated by the ~~commission on animal care and control~~ Department shall be kept open to the public for the transaction of appropriate business, as established by the ~~executive director~~ Executive Director.

*(Omitted text is unaffected by this ordinance)*

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SECTION 6. Section 7-12-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-050 Dangerous animals - Determination and requirements.**

The ~~executive director~~ Executive Director shall have the authority to make a determination that an animal is a dangerous animal, as defined in Section 7-12-020, and to order the owner to comply with any of the measures set forth below for the protection of public health, safety and welfare.

a) Upon receipt of a citizen complaint or other report of an animal bite, attack, threatening behavior, or other reason to believe an animal may be a dangerous animal, the ~~executive director~~ Executive Director or an animal control officer shall evaluate the seriousness of the complaint or report and, if the circumstances warrant, may conduct an investigation of the facts. Where practicable and readily located, the investigation shall include interviewing the complainant, the victim, if any, the animal's owner, any witnesses, observation of the animal and the scene, and any other information presented by the owner. The investigator then shall make a written finding of whether an animal is a dangerous animal as defined in Section 7-12-020 and of the basis for that finding. In addition, if during the course of the investigation, the investigator uncovers evidence of inhumane treatment of any animal in violation of Section 7-12-090, he or she shall make a written finding of the specific violation and forward such to the ~~executive director~~ Executive Director. For purposes of this section, a police report may constitute an investigation and may include a finding of dangerousness. Based upon the investigator's finding of a dangerous animal, the ~~executive director~~ Executive Director shall declare in writing whether the animal is a dangerous animal.

b) Where an animal is declared to be a dangerous animal, and the animal has caused severe injury to any person or other domestic animal, then the ~~executive director~~ Executive Director may order the humane destruction of the animal, where appropriate, taking into consideration the severity and the circumstances of injury. Where an animal is declared to be a dangerous animal, and the animal has caused death to any person, then the ~~executive director~~ Executive Director shall order the humane destruction of the animal.

c) Subject to subsection (g) of this section, in all cases where an animal is declared to be a dangerous animal and the animal is not humanely destroyed, the ~~executive director~~ Executive Director shall order the owner to comply with the following requirements:

(1) While on the owner's property, the owner must securely confine the dangerous animal indoors or within a securely enclosed and locked pen, structure, or fence, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, structure, or fence must be a minimum of six feet in height and must have secure sides

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and top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet deep. The enclosure also must be humane and provide some protection from the elements for the animal. In addition to the enclosure required by this subsection, the owner shall erect a fence on the perimeter of that portion of the property where the enclosure is located. The location and height of the fence shall be approved by the ~~executive director~~ Executive Director. The enclosure and fence shall be erected within thirty days of the declaration that the animal is a dangerous animal.

*(Omitted text is unaffected by this ordinance)*

(6) Within ten business days of the declaration that the animal is a dangerous animal, the owner must procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the owner's animal, in an amount not less than \$100,000.00 for each animal declared dangerous. The insurance shall include a provision whereby the insurer notifies the ~~executive director~~ Executive Director not less than 30 days prior to cancellation or lapse of coverage.

In addition, the ~~executive director~~ Executive Director may order the owner to comply with any of the following requirements, in any combination:

*(Omitted text is unaffected by this ordinance)*

(8) The owner and the animal must complete a course of animal obedience training approved by the ~~executive director~~ Executive Director.

In the alternative to (1) - (8) above, the ~~executive director~~ Executive Director may order that the dangerous animal:

i) at the owner's expense, have an identifying microchip implanted under the animal's skin by a veterinarian; and

ii) be permanently barred from the city limits. The owner shall provide a statement, verified by affidavit, to the ~~executive director~~ Executive Director indicating the new location of the animal, and the name and address of the person having custody of the animal.

(d) Where the owner's address can be reasonably ascertained, the ~~executive director~~ Executive Director shall send written notice to the owner, by first class mail, stating that his or her animal has been declared a dangerous animal, describing the basis for such declaration by specific behavior and date(s) of occurrence, setting forth all applicable orders

and restrictions imposed reason of such declaration, and informing the owner of his or her right to appeal such determination by filing a written request for a hearing within seven days of service of the notice. A notice shall be deemed served on the date the notice is mailed. A copy of such notice shall be sent to the complainant, if any. Where the animal has been impounded pursuant to subsection (1) below, such notice shall be sent within 30 days after such impoundment.

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e) If the owner requests a hearing, the ~~executive director, if the department of administrative hearings has not exercised jurisdiction in accordance with Section 2-14-190(c) of this Code, or the department of administrative hearings~~ Department of Administrative Hearings<sup>^</sup> ~~if the office has exercised jurisdiction in accordance with Section 2-14-190(c) of this Code,~~ shall appoint an administrative law officer who shall hold a hearing, at which all interested parties may present testimony and any other relevant evidence, within 30 days of the request. The hearing shall be taped or recorded by other appropriate means. If the administrative law officer upholds the ~~executive director~~-Executive Director's determination that the animal is dangerous, the owner shall have 30 days to satisfy all requirements set out in subsection (c) and the notice. In those cases where the ~~executive director~~ Executive Director has ordered humane destruction of the dangerous animal, that order shall not be carried out until seven days after the hearing; if the owner appeals to the circuit court during that time period, that order shall be stayed until resolution of such appeal.

f) Where there is probable cause to believe that an animal is a dangerous animal, the ~~executive director~~ Executive Director or his designee is authorized to impound and hold such animal, at the owner's expense, pending the investigation and final resolution of any appeals. Where the animal has caused severe injury or death to any person, the ~~executive director~~ Executive Director or his designee is required to impound and hold such animal, at the owner's expense, pending the investigation and final resolution of any appeals. Moreover, in no event shall a dangerous animal be released to its owner before the owner obtains a dangerous animal license pursuant to section 7-12-052 or before the ~~executive director~~ Executive Director or his designee approves the enclosure required by subsection (c)(1). The holding period and impoundment procedures for animals of unknown ownership shall be governed by Section 7-12-060.

g) Guard dogs and dogs which have been found to be "vicious dogs" under state law, automatically are required to comply with the requirements of Section 7-12-050(c)(1) - (4) and (c)(6) without the need for any individualized declaration or the right to any hearing, except that, to the extent an owner disputes the fact that his or her animal is used as a guard dog the hearing procedure set forth in subsection (e) of this section shall apply. The ~~commission~~ Department may promulgate rules and regulations that set forth the conditions under which the provisions of subsection (c) of this section shall not apply to guard dogs when the dogs are on assignment.

SECTION 7. Section 7-12-051 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-051 Dangerous animals - Violations.**

(a) Any owner who fails to comply with any of the requirements of Section 7-12-050, Section 7-12-052, or any additional orders of the ~~executive director~~ Executive Director as

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authorized by those sections shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00, plus impoundment of the animal. If the owner fails to make the animal available for impoundment or fails to come into compliance with the requirements or orders within 7 days after the impoundment of the animal, the owner shall be incarcerated for a term not to exceed six months and the animal shall become the property of the ~~commission~~ Department. In addition to the penalties set forth above, the ~~executive director~~ Executive Director may order an owner who violates Section 7-12-050 to attend with his or her animal a course of animal obedience training approved by the ~~executive director~~ Executive Director.

(b) Any animal which has been declared a dangerous animal and which (1) is seen outside and not confined within the enclosure required by Section 7-12-050(c)(1), and not muzzled and under control as required by Section 7-12-050(c)(2), or (2) thereafter attacks or injures a person or domestic animal, shall be impounded by an animal control officer or a police officer, at the owner's expense, and the ~~executive director~~ Executive Director may order the owner to comply with any of the alternatives set forth in Section 7-12-050(b) and (c), including humane destruction of the animal. If the owner fails to make the animal available for impoundment or fails to come into compliance with the requirements or orders within 7 days after the impoundment of the animal, the owner shall be incarcerated for a term not to exceed six months and the animal shall become the property of the ~~commission~~ Department. The owner shall be entitled to notice and an opportunity for a hearing in the same manner as provided in Section 7-12-050(d) and (e) above.

SECTION 8. Section 7-12-052 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-052 Dangerous animals - Miscellaneous.**

(a) Every owner of a dangerous animal shall allow inspection of the required enclosure by the ~~executive director~~ Executive Director or his designee.

*(Omitted text is unaffected by this ordinance)*

c) [Reserved] ~~The executive director and/or the commission are hereby authorized to enact the provisions of this chapter and to promote the health, safety, and welfare of the public.~~

d) Where an animal has caused severe injury or death to any person, but it is not found to be a dangerous animal on the grounds that the attack was provoked, the ~~executive director~~ Executive Director shall advise the owner to comply with the safety measures set forth in Section 7-12-050(c) in order to protect the public health, safety and welfare.

(e) In addition to any other license required under this chapter, the owner of any animal declared dangerous shall obtain a dangerous animal license within 10 days of the declaration that the animal is a dangerous animal; except that this provision shall not apply to the owner of any guard that is licensed under Chapter 4-384 of this code. The owner shall pay an annual license fee of \$100 for the privilege of owning the dangerous animal. The application for the license shall be made to the ~~executive director~~ Executive Director.

SECTION 9. Section 7-12-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-060 Redemption of impounded animals.**

The ~~commission~~ Department or any agency the ~~commission~~ Department may designate to take possession of animals for the purposes of impounding<sup>^</sup> shall hold impounded animals for seven days, unless the owner redeems the animal sooner, during which time reasonable means shall be used to facilitate their return to the rightful owners. The owner of any animal impounded in any animal control center may, at any time during visiting hours at the animal control center, and before the sale or other disposal as provided in this ordinance, redeem such animal by paying the required fees or charges and, in the case of an unlicensed animal by complying with the license requirements.

The seven-day holding period shall not apply to an animal relinquished by its owner to the ~~commission~~ Department under owner signature authorizing the ~~commission~~ Department to make immediate disposition of the animal at its discretion, nor shall any required holding period apply to an animal received for impounding in obviously critical physical condition or for which immediate euthanasia shall be deemed proper for humane reasons by the ~~executive director~~ Executive Director or the ~~executive-director~~ Executive Director's designee.

An animal of unknown ownership shall be held for a minimum of five days, or for such longer length of time as the ~~executive-director~~ Executive Director may deem necessary to permit location of and redemption by the rightful owner, except that wild animals which are noxious by their very nature such as wild rats, and undomesticated rodents may be euthanized at once following an examination for zoonotic diseases.

Any animal remaining unredeemed after the prescribed holding period shall at once become the property of the Department.

SECTION 10. Section 7-12-065 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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**7-12-065 Impoundment of dogs and cats - Compulsory sterilization and microchip implantation.**

- a) Any dog or cat impounded under Sections 7-12-040, 7-12-080, or 7-12-290 shall prior to redemption:
  - 1) have a microchip implanted; and
  - 2) if the dog or cat is capable of reproduction, be sterilized, unless, in the determination of the ~~executive director~~ Executive Director, the sterilization would endanger the life or health of the animal.
- b) The implantation of a microchip in and the sterilization of the animal pursuant to this section shall be performed only after the owner, if known, is given notification either in person, or by first class mail, of the ~~executive director~~ Executive Director's intent to implant a microchip in and sterilize the animal and informing the owner of his right to appeal such determination by filing a written request for a hearing within five days of service of the notice.

c) If the owner requests a hearing, ~~the administrative law officer shall be appointed by the executive director unless the department of administrative hearings has exercised jurisdiction in accordance with Section 2 H 190(c) of this Code, in which case the department~~ Department of administrative hearings Administrative Hearings shall appoint the an administrative law officer, who shall hold a hearing, at which all interested parties may present testimony and any other relevant evidence, within 15 days of the request. If the administrative law officer upholds the ~~executive-directer~~ Executive Director's determination that the cat or dog is subject to the requirements of this section, then the ~~executive director~~ Executive Director shall not sterilize or implant a microchip in the animal until seven days after the hearing; if the owner appeals to the circuit court during that time period, the order to sterilize and implant a microchip in the animal shall be stayed until resolution of such appeal.

*(Omitted text is unaffected by this ordinance)*

SECTION 11. Section 7-12-070 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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**7-12-070 Facilities to be used for impoundments.**

For purposes of impoundment, the ~~executive-director~~ Executive Director shall utilize an animal control center or the facilities of any humane society properly equipped and willing to impound animals, or, if the animal shall be of a species that may be better or more safely impounded elsewhere, the ~~executive director~~ Executive Director may designate an alternate facility that is properly equipped and willing to accept the animal.

SECTTON 12. Section 7-12-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-080 Removal of neglected animal.**

a) Whenever the ~~executive-director~~ Executive Director shall determine: (1) that any animal is kept within a building or upon any premises without food, water, shelter, or proper care and attention for a period of time sufficient within his judgment to cause undue discomfort or suffering, and the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration, eviction, or other involuntary circumstance; or (2) that any animal is kept at a residence under such conditions that endanger the public health, safety and welfare, or the safety and welfare of the animal, it shall be the duty of the ~~executive-director~~ Executive Director to obtain the necessary legal process to allow him or her to enter or to cause to have entered such building or premises to take possession and remove such animal to an animal control center or to a humane society or other appropriate agency equipped, able and willing to accept the animal.

- b) The animal control center, humane society or other authorized receiving agency
- b) shall exercise due caution for the welfare and temporary safekeeping of any animal so removed,
- b) in conformance with policies to be prescribed by the ~~commission~~ Department. After due
- b) notification to the owner, or, if the owner cannot be located or contacted after reasonable effort
- b) by the animal control center, humane society or other authorized receiving agency, any animal so
- b) removed and unredeemed shall become the property of the Department and disposed
- b) of under policies prescribed by the ~~commission~~ Department.

SECTION 13. Section 7-12-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-090 Owner's responsibility where animal has bitten another animal or person.**

(a) It shall be the duty and responsibility of the owner of any animal which has bitten any other domestic animal or person to:

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- (1) notify the ~~execut~~ hours of the bite;

*(Omitted text is unaffected by this ordinance)*

b) After notification by the owner pursuant to subsection (a)(1), the ~~executive director~~ Executive Director may impound, at the owner's expense, any animal that has bitten any other animal or person to make a dangerous animal investigation pursuant to Section 7-12-050(f).

c) In the event of severe injury or death to a person, the ~~executive director~~ Executive Director shall impound the animal, at the owner's expense, as set forth above in Section 7-12-050(f). It further shall be the duty and responsibility of the owner to have such animal examined by a licensed veterinarian on the first and tenth day of impoundment or confinement or as soon thereafter as possible; provided, that the impoundment or confinement of the animal described, above shall not be terminated until examination by a veterinarian.

d) If an animal is to be impounded by the ~~executive director~~ Executive Director pursuant to this section, the owner shall pay a \$150.00 rabies observation fee to cover the cost of housing, food, veterinary services and any other service rendered to the animal. Prior to release of said animal, vaccination and license certificates must be presented to the ~~executive director~~ Executive Director or the director's authorized representative.

*(Omitted text is unaffected by this ordinance)*

(f) The owner of any animal impounded pursuant to this section shall pay all costs incurred by the ~~commission~~ Department for the housing, care and treatment of the animal. Any person who violates any other provision of this section

shall be fined not less than \$300.00 nor more than \$500.00 for each offense, or may be incarcerated for a term not to exceed six months, or both. Each day that a violation continues shall constitute a separate and distinct offense. In addition to any fine or incarceration that may be imposed by this section, if the owner fails to make the animal available for impoundment, the animal shall become the property of the ~~commission~~ Department.

SECTION 14. Section 7-12-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-110 Adoption of unredeemed animals.**

The ~~commission~~ Department shall designate, and the ~~executive director~~ Executive Director shall cause to have posted or published, the day or days of each week and the hours when unredeemed animals in possession of the ~~commission~~ Department shall be offered to the

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public for inspection and adoption. The ~~executive director~~ Executive Director also shall designate, with the approval of input from the ~~commission~~ Department, reasonable ownership standards deemed necessary for the care of adoptive animals, including inoculation and enforcement of neutering and spaying requirements for all dogs and cats adopted.

SECTION 15. Section 7-12-115 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-115 Rabies and distemper vaccinations; spay/neuter clinics.**

a) The ~~commission~~ Department and the ~~executive director~~ Executive Director may establish and maintain one or more clinics for the administration of rabies and distemper vaccinations to, the sterilization of, and the implantation of microchips in cats and dogs owned by city residents.

b) Persons who submit a dog or cat for any of the services specified in this section shall complete an application form promulgated by the ~~executive director~~ Executive Director. The application shall include a consent form certifying that the applicant is the owner of the animal or is otherwise authorized to present the animal for the service. The consent form shall contain a waiver of liability of the city, the ~~commission~~ Department and the ~~executive director~~ Executive Director, and any of their agents or employees, for any injury or death of an animal resulting from the services provided under this section, or other services provided incidental thereto.

c) The ~~commission~~ Department shall impose and collect the following fees for the services specified:

- |    |                        |         |
|----|------------------------|---------|
| 1) | Sterilization surgery  | \$25.00 |
| 2) | Rabies vaccination     | \$15.00 |
| 3) | Microchip implantation | \$15.00 |
| 4) | Distemper vaccination  | \$7.00  |

The fees shall be in addition to any applicable license fee.

The ~~commission~~ Department may, no more than five days per month, waive the sterilization surgery fee for residents in those areas having the highest stray populations. Residents are eligible for the fee waiver only if they present proof of residence within the designated area. The ~~commission~~ Department shall annually promulgate rules setting forth the areas with the highest stray populations.

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In addition, the ~~commission~~ Department may establish, impose and collect a reasonable boarding fee upon an applicant who fails to pick up the animal at the time specified by clinic personnel.

SECTION 16. Section 7-12-120 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-120 Fees.**

The ~~commission~~ Department shall charge and collect the following fees and shall attach such additional requirements as are stated for release of animals from the animal control center:

a) Redemption fee for:

per animal                      \$65.00 >

(2-) ~~Unlicensed dogs impounded as strays~~                      60rOO

.(3-) ~~Any animal impounded two times in a 12 month period~~                      90.00

~~In addition to the imposition of the foregoing fee, the executive director shall recommend that the owner of any animal impounded three times in a 12 month period attend an animal care education program.~~

(S) ~~Any animal impounded four or more times in a 12 month period~~ - 1-SQrOO

~~In addition to the imposition of the foregoing fee^the owner of any animal impounded four or more times in a 12 month period shall be subject to the hearing requirement of this~~

~~section~~

b) Housing fee per animal, per day                      \$8.00

c) Adoption fee for:

1) Dogs and cats                      \$ \_65.00

Or higher bid price if auctioned

2) All other animals \$5.00 -\$30.00

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Or higher bid price if auctioned

(d) Euthanasia fee - owner's request \$10.00

In addition to the redemption and housing fees, all mandatory licensing fees shall be paid at the time of the redemption of the animal.

The ~~commission~~ Department shall promulgate regulations establishing the adoption fees for animals, other than dogs and cats, pursuant to the requirements of subsection (c)(2) of this section.

The owner of an animal impounded four or more times in a 12-month period shall not be entitled to obtain return of the animal until a hearing is held by the city City and the hearing officer concludes that the owner can exercise responsible ownership and control of the animal. If the owner requests a hearing, the ~~executive director, if the department~~ Department of administrative hearings Administrative Hearings ~~has not exercised jurisdiction in accordance with Section 2-14 190(e) of this Code, or the department of administrative hearings, if the office has exercised jurisdiction in accordance with Section 2-H 190(e) of this Code,~~ shall appoint an administrative law officer who shall hold a hearing, at which all interested parties may present testimony and any other relevant evidence, within 15 days of the request. The hearing shall be taped or recorded by other appropriate means. If the administrative law officer concludes that the owner is entitled to return of the animal, the animal shall be returned to the owner upon payment of all applicable fees. If the administrative law officer concludes that the owner is not entitled to return of the animal, the animal shall become the property of the ~~commission~~ Department.

SECTION 17. Section 7-12-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-130 Refund of spaying deposit - Exchange of animal - ~~Commission's~~ Department's right to repossess.**

Any adopter of an animal from an animal control center may exchange such animal for another of the same species and sex within 14 days from date of adoption if said animal has been examined by a veterinarian or by an authorized representative of the ~~executive director~~-Executive Director and found to be physically or otherwise defective, or unadaptable to the home of the adopter, but no refund shall be made if exchange shall be declined by the adopter.

The ~~commission~~ Department shall have the right to repossess irrevocably without refund or exchange privilege, any adopted animal if the owner is in default as to licensing requirements or any other provision of this chapter.

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SECTION 18. Section 7-12-140 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-140 License required.**

(Omitted text is unaffected by this ordinance) (d) The provisions of Article I of Chapter 2-14 of the eede Code shall apply to this section.

SECTION 19. Section 7-12-150 ofthe Municipal Code of Chicago is hereby amended -by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-150 License application forms.**

a) An application for a dog license shall be made to the ~~city clerk~~ City Clerk on forms or in an electronic format as prescribed by the ~~city clerk~~ City Clerk, and shall contain the owner's name, address, telephone number, e-mail address, information sufficient to identify the dog, and any other information as may be required by the ~~city clerk~~ City Clerk.

*(Omitted text is unaffected by this ordinance)*

b) The ~~city clerk~~ City Clerk shall keep on file, for two years from date of issue, a copy, which may be an electronic copy, of each application or a copy of each license so issued on the basis of application.

*(Omitted text is unaffected by this ordinance)*

SECTION 20. Section 7-12-160 ofthe Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-160 Rabies inoculation certificate.**

Application for such license shall be made lo the ~~city clerk~~ City Clerk. Before a license is issued, a certificate of inoculation against rabies for each dog, issued by the county rabies control officer, or by his deputy, or by a licensed veterinarian, shall be submitted to the ~~city cler-k~~ City Clerk for examination. No license shall be issued for any dog unless such inoculation certificate bears a date within three years prior to the date of application for license or such other interval as approved by the Department of Agriculture ofthe State of Illinois. Such certificate shall be returned to the applicant after the current dog license number has been stamped thereon.

When applying for a dog license by mail, the certificate of inoculation shall accompany the application. Said certificate shall be returned at the time the license tag is mailed to the applicant.



SECTION 21. Section 7-12-185 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-185 Temporary animal exhibitions - permit required.**

*(Omitted text is unaffected by this ordinance)*

c) An application for an animal exhibition permit shall be made on a form prescribed by the ~~executive director~~ Executive Director, and shall be accompanied by a non-refundable application fee as set forth in Section 4-5-010. The application shall contain:

(1) The name and business address of the applicant and any other associated information that the ~~executive director~~ Executive Director may require, including any disclosures pertaining to ownership or control of the applicant;

*(Omitted text is unaffected by this ordinance)*

3) Proof of insurance with amounts and coverages set by the ~~executive director~~ Executive Director, following consultation with the City's risk manager; and

4) Such other information as the ~~executive director~~ Executive Director may reasonably require.

d) Upon being satisfied that a permit application is complete and meets the requirements of this section, and that the proposed exhibition will not endanger the public or create an imminent hazard to the health of the animals included in such exhibition, the ~~executive director~~ Executive Director shall issue the permit. The permit shall be valid only for the exhibition as described on the application. If the ~~executive director~~ Executive Director denies the permit, he the Executive Director shall inform the applicant in writing, stating the reasons for the denial.

e) (1) Any person found to be operating a temporary animal exhibition without the permit required by this section, or in violation of the terms of a permit issued pursuant to this section, shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00 for each offense, or summary closure of the exhibition, or both a fine and summary closure. A separate violation shall be deemed to have occurred for each day of noncompliance.

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(2) If the ~~executive director~~ Executive Director determines that any violations are limited in scope or egregiousness such that they can be corrected by the permittee, the ~~executive director~~ Executive Director may mandate that the permittee complete corrective action by a date certain, or, if summary closure is imposed, as a precondition to re-opening the exhibition. Provided, however, that summary closure of a temporary animal exhibition shall only be authorized if an inspection by the ~~department~~ Department results in a finding of an imminent hazard to the health of animals included in such exhibition. Corrective action may be imposed in conjunction with a fine.

(f) (1) Any applicant who believes that his application for a permit is wrongfully denied, or any permittee whose exhibition has been summarily closed pursuant to this section, may file an appeal with the ~~department~~ Department

of ~~administrative hearings~~ Administrative Hearings within five business days of the date of the notice of the ~~executive director~~ Executive Director's denial or the closure. If no appeal is filed within said five-day period, the ~~executive director~~ Executive Director's action shall be deemed final.

Upon the filing of such appeal, the ~~department~~ Department of ~~administrative hearings~~ Administrative Hearings shall cause a hearing to be held within five business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the ~~executive director~~ Executive Director.

Any final decision of the ~~department~~ Department of ~~administrative hearings~~ Administrative Hearings shall be subject to judicial review in accordance with applicable law.

(2) If under the circumstances there is not sufficient time to file the appeal in accordance with the procedure set forth in this subsection, the decision by the ~~executive director~~ Executive Director shall be deemed a final decision subject to judicial review in accordance with applicable law.

SECTION 22. Section 7-12-190 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-190 Citations.**

The ~~enwr+iss-ien~~ Department, through its animal control officers, is authorized to issue citations against the owner of any animal for violations of this chapter.

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SECTION 23. Section 7-12-200 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-200 Rabies vaccination required.**

*(Omitted text is unaffected by this ordinance)*

A current certificate of vaccination issued by a veterinarian licensed to practice in any other jurisdiction establishing vaccination with a vaccine approved by the Department of Agriculture of the State of Illinois, may be accepted by the ~~executive director~~ Executive Director, or for the issuance of dog licenses, by the ~~city clerk~~ City Clerk.

SECTION 24. Section 7-12-210 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-210 Equine animal - License required - Fee - Display - Exemptions.**

*(Omitted text is unaffected by this ordinance)*

A tag shall be issued in evidence of payment of the license fee, and shall be affixed to the rein or saddle whenever the horse is on a public way. The ~~executive director~~ Executive Director or an animal control officer may demand proof of the license from the owner at any time or at any place when the horse is within the city.

*(Omitted text is unaffected by this ordinance)*

SECTION 25. Section 7-12-220 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-220 Horse-drawn carriage - Horse license required.**

*(Omitted text is unaffected by this ordinance)*

An application for a horse license under this section shall be made in writing, signed and sworn to by the applicant or if the applicant is a corporation, by its duly authorized agent, upon forms provided by the ~~executive director~~ Executive Director. The application shall contain the full name, Chicago place of business and residence address of the applicant and the business telephone number of the applicant. All corporate applicants for horse licenses under this section shall be organized or qualified to do business under the laws of Illinois and have a place of business in the City of Chicago. All other applicants shall be citizens of the United States and shall have a place of business in the City of Chicago.

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*(Omitted text is unaffected by this ordinance)*

SECTION 26. Section 7-12-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-230 Horse-drawn carriage - Horse identification number - Violation - Penalty.**

Each horse licensed under Section 7-12-220 shall have an identification number tattooed as evidence of compliance with Sections 7-12-220 through 7-12-260 of this chapter. The ~~executive director~~ Executive Director shall have the authority to issue an identification number for each horse to be licensed and shall keep a record of identification numbers so issued. The ~~executive director~~ Executive Director shall also promulgate rules governing the type and placement of each tattoo and the method in which horses shall be tattooed.

Tattooing a horse in an unauthorized manner, use of an expired unauthorized or false identification number or alteration of an identification number issued by the ~~executive director~~ Executive Director in any manner whatsoever shall all be deemed a violation of the law. Any person who violates any provision of this section shall be fined not less than \$100.00 nor more than \$500.00 for each offense and each day such violation shall continue shall be deemed a separate

and distinct offense.

SECTION 27. Section 7-12-240 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-240 Horse-drawn carriage - Right to demand proof of license - Exception.**

The ~~executive director~~ Executive Director or any animal control officer has the power to demand proof of the issuance of a license under Section 7-12-220 at any time that said horse is being used to draw a carriage licensed under Chapter 9-108 of the municipal code any place within the city, except that no such horse license shall be required of a person who has obtained a permit under Sections 10-8-330 or 10-8-332 of the municipal code while operating under such permit.

SECTION 28. Section 7-12-260 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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**7-12-260 Horse-drawn carriage - Requirements for operation.**

*(Omitted text is unaffected by this ordinance)*

(d) The horse must be examined, not less than every three months, by a veterinarian, who shall certify the fitness of the animal to perform such work. The driver of a horse-drawn carriage licensed under Chapter 9-108 of the municipal code must have a veterinarian's certificate for such examination and immunization in his or her possession for the horse drawing the carriage at all times such carriage is in operation. A copy of such certificate shall be filed with the ~~executive director~~ Executive Director.

*(Omitted text is unaffected by this ordinance)*

(j) No whip shall be used unless its design is first approved by the ~~executive director~~ Executive Director, nor may the driver of a carriage apply a whip to a horse other than by a light touch.

(k) No stallion may draw a carriage without the prior written permission of the ~~executive director~~ Executive Director.

*(Omitted text is unaffected by this ordinance)*

(m) All horses shall be equipped with a waste-catching device, approved by the

SECTION 29. Section 7-12-290 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-290 Cruelty to animals - Fines.**

*(Omitted text is unaffected by this ordinance)*

(i) In cases where the violation of this section creates a danger to the public health and safety or to the health and welfare of an animal, the ~~executive director~~ Executive Director may cause the animal to be impounded until such time that the conditions that caused the danger are corrected. If the owner fails to correct the conditions within 7 days of the impoundment of the animal, the animal shall become the property of the commission Department. It shall be the duty of the ~~executive director~~ Executive Director to obtain the necessary legal process to allow him or her to enter or to cause to have entered any building or premises to remove and impound such animal.

*(Omitted text is unaffected by this ordinance)*

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SECTION 30. Section 7-12-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-300 Ban of unlicensed possession of animals for slaughter.**

*(Omitted text is unaffected by this ordinance)*

Agents of the ~~Chicago commission on animal care and control~~ Department, police officers and humane investigators of any agency licensed by the City of Chicago and/or the Illinois Department of Agriculture for the prevention of cruelty to animals shall have the authority to confiscate any and all animals kept in violation of this ordinance. Enforcement personnel shall have the authority to enter any business premises during normal business hours where an animal or animals described in this ordinance are being housed or kept, but shall only enter domiciles or businesses during nonbusiness hours after obtaining a proper search warrant or permission to enter from the occupant or owner of such premises.

*(Omitted text is unaffected by this ordinance)*

SECTION 31. Section 7-12-310 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-310 Removal of injured or diseased animal from public way.**

*(Omitted text is unaffected by this ordinance)*

Handling of any such case shall be the responsibility of the ~~commission~~ Department or, in the absence of a representative of the ~~commission~~ Department, any City of Chicago police officer, or any humane society representative duly authorized by the society to act in its behalf.

SECTION 32. Section 7-12-320 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-320 Horse-drawn carriage - Removal of horse from public way.**

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Any horse licensed under Section 7-12-220 for the purposes of drawing a carriage licensed under Chapter 9-108 of the municipal code which must be removed from a public way for any reason shall be under the custody and control of the ~~commission on animal care and control~~ Department except that if no animal control officer is available then any Chicago police officer is authorized to remove said horse from public way.

SECTION 33. Section 7-12-340 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-340 Notice to ~~commission~~ Department for removal of dead animal.**

Every person having within his possession or control or upon any premises owned or occupied by him or her any dead animal which that person cannot, or does not intend to, bury or have buried or otherwise lawfully disposed of shall immediately give notice to the ~~commission~~ Department and the ~~commission~~ Department shall cause such animal to be removed and disposed of consistent with sound environmental standards.

SECTION 34. Section 7-12-360 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-360 Wild or nondomesticated animals.**

Each person who shall possess, keep or maintain any wild, or nondomesticated animal, including any wild animal native to the State of Illinois, shall upon demand by the ~~executive director~~ Executive Director or his authorized representative, furnish proof of compliance with such restrictions and/or permit requirements as may be imposed by statutes of the State of Illinois and/or federal law. The ~~executive director~~ Executive Director or his authorized representative shall be empowered to demand surrender of any animal possessed, kept or maintained in the absence of proof of such compliance or in violation of the city ordinance relative to zoning regulation and to make whatever disposition of it as may be prescribed under Department policies ~~approved by the commission~~.

*(Omitted text is unaffected by this ordinance)*

SECTION 35. Section 7-12-390 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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**7-12-390 Transfer of animals - Records.**

The ~~commission~~ Department may require persons who sell, transfer ownership of, give away, or otherwise dispose of animals, or of specified species of animals, to maintain records of such transactions, including information descriptive of the animals and identity and location of the recipients. The ~~commission~~ Department shall prescribe the length of time such records shall be kept on file by the preparer and shall be permitted access to the records upon demand.

SECTION 36. Section 7-12-395 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-395 Enforcement.**

The ~~executive director~~ Executive Director, or the ~~executive director~~ Executive Director's designees, and the ~~department~~ Department of Police police are authorized to take action necessary for the effective enforcement of this chapter, including the issuance of citations.

SECTION 37. Section 7-12-400 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-12-400 Rules and regulations and inspections.**

The ~~commission~~ Department shall have the authority to establish and enforce rules and regulations relating to any matter pertaining to the administration, implementation and enforcement of ~~the provisions of~~ this chapter.

The ~~commission~~ Department may conduct, or cause to be conducted by an animal control officer or authorized representative, such inspections as are necessary to insure compliance with all applicable ordinances, statutes, and laws of local, state and federal governments and compliance with Department rules ~~administrative regulations of the commission~~.

SECTION 38. References in the Annual Appropriation Ordinance for fiscal year 2016 to the Commission on Animal Care and Control shall be deemed to refer to the Department established by this ordinance.

SECTION 39. The membership of the Commission on Animal Care and Control existing as of the effective date of this ordinance shall remain in place, exercising the duties provided in this ordinance, until such time as the composition of the commission changes pursuant to this ordinance. The Executive Director of the Commission on Animal Care and Control existing as of the effective date of this ordinance shall remain in place, exercising the duties provided in this ordinance, until such time that a new Executive Director is appointed by the Mayor, subject to approval by the City Council.

## ARTICLE II. INSURANCE AND INDEMNIFICATION

SECTION 1. Section 4-6-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **4-6-060 Tattooing, body piercing and tanning facilities.**

*(Omitted text is unaffected by this ordinance)*

(c) Legal duties. Each licensee engaged in the business of tattooing, body piercing or tanning facility shall have a duty to:

(1) obtain commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The policy of insurance required under this section shall: (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner of health prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license period. Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection may result in license revocation in accordance with the requirements set forth in Section 4-4-280;

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 4-6-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:



**4-6-080 Adult family care center.**

*(Omitted text is unaffected by this ordinance)*

- (e) Legal duties. Each licensee engaged in the business of adult family care center shall have a duty to:

*(Omitted text is unaffected by this ordinance)*

(2) obtain commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The policy of insurance required under this section shall; (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license period. Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection may result in license revocation in accordance with the requirements set forth in Section 4-4-280;

*(Omitted text is unaffected by this ordinance)*

SECTION 3. Section 4-6-190 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-6-190 Board-up company.**

*(Omitted text is unaffected by this ordinance)*

- (e) Legal duties. Each licensee engaged in the business of board-up company shall have a duty to: '

(1) maintain in full force and effect at all times throughout the duration of the license period commercial general liability insurance with limits of not less than \$300,000.00 per occurrence, ~~combined single-limit~~, for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The policy of insurance required under this section shall; (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner

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prior to cancellation or lapse of the policy. Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection shall result in license suspension or revocation ~~of the board-up company regulated business license~~ in accordance with Section 4-4-280;

*(Omitted text is unaffected by this ordinance)*

SECTION 4. Section 4-6-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-6-230 Booting of motor vehicles.**

*(Omitted text is unaffected by this ordinance)*

(f) Legal duties. Each licensee engaged in the business of booting of motor vehicles shall have a duty to:

(1) maintain in full force and effect at all times throughout the duration of the license period commercial general liability insurance, with limits of not less than ~~\$500,000.00~~ \$1,000,000.00 ~~per person and not less than \$1,000,000.00 per occurrence incident~~, for bodily injury, personal injury and property damage, arising in any way from the issuance of a license or activities conducted pursuant to the license. The policy of insurance required under this subsection shall: (i) be issued by an insurer authorized to insure in the State of Illinois; (ii) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official;

*(Omitted text is unaffected by this ordinance)*

SECTION 5. Section 4-6-250 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-6-250 Expediter company.**

*(Omitted text is unaffected by this ordinance)*

(d) Legal duties. Each licensee engaged in the business of expediter company shall have a duty to:

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*(Omitted text is unaffected by this ordinance)*

(3) obtain commercial general liability insurance with limits of not less than \$300,000.00, per occurrence, for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. Each policy of insurance required under this section shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section subsection in full force and effect for the duration of the license period^ Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official:

*(Omitted text is unaffected by this ordinance)*

SECTION 6. Section 4-6-260 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-6-260 Expediter/natural person.**

(Omitted text is unaffected by this ordinance) (d) Legal duties. Each licensee engaged in the business of expeditor shall have a duty to:

*(Omitted text is unaffected by this ordinance)*

(3) if the expeditor is a sole proprietor, obtain commercial general liability insurance with limits of not less than \$300,000.00, per occurrence, for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. Each policy of insurance required under this section shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period-. Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official:

*(Omitted text is unaffected by this ordinance)*

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SECTION 7. Section 4-6-280 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-6-280 Home repair.**

(Omitted text is unaffected by this ordinance) (d) Legal duties. Any licensee engaged in the business of home repair shall have a duty to:

(1) obtain commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The policy of insurance required under this subsection shall; (i) be issued by an insurer authorized to insure in the State of Illinois; (ii) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license

period. Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280;

*(Omitted text is unaffected by this ordinance)*

SECTION 8. Section 4-8-036 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-8-036 License - Application and category- Mobile food vendors.**

(a) In addition to the general application requirements,

*(Omitted text is unaffected by this ordinance)*

(4) an applicant for a mobile food vendor license who will use a propane tank or natural gas in the mobile food vehicle shall produce proof to the commissioner of business affairs and consumer protection that such applicant has obtained commercial general liability insurance

the-lieefrse with limits of not less than \$350,000.00 per occurrence, for bodily injury, personal injury and property damage and obtained a commercial automobile liability insurance with limits of not less than \$350,000.00, combined single limit, per occurrence for bodily injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The insurance policy required under this subsection shall: (1) be issued

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by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner of business affairs and consumer protection prior to cancellation or lapse of the policy. If a mobile food vendor license is issued to such applicant, such licensee shall maintain the insurance required under this subsection in full force and effect for the duration of the license period. The licensee shall also keep proof of the required insurance in the mobile food vehicle at all times when the vehicle is in use and, upon demand, shall produce such proof for inspection by an authorized city official. Failure to comply with the requirements of this section shall be grounds for the suspension or revocation of the license.

*(Omitted text is unaffected by this ordinance)*

SECTION 9. Section 4-28-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-28-060 Insurance - Required.**

Each applicant for a drain layer's license shall furnish proof of insurance evidencing commercial general liability insurance with limits of not less than \$300,000.00 per occurrence, combined single limit, for bodily injury, personal injury, and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The insurance police required under this subsection shall: (i) be issued by an insurer authorized to insured in Illinois, tip include a provision requiring ~~Every insurance policy required by this section shall require 30 days days'~~

advance notice to the commissioner prior to cancellation or lapse of the policy, and (iii) and shall name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period.

*(Omitted text is unaffected by this ordinance)*

SECTION 10. Section 4-36-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-36-090 Proof of insurance - Required.**

Prior to the issuance of a general contractor license, each applicant shall furnish proof of insurance, issued by an insurer authorized to insure in Illinois with a credit rating of B+ or higher by A.M. Best Company, evidencing commercial general liability insurance, as follows:

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A) If the applicant is applying for a Class A license: limits of not less than \$5,000,000.00 per occurrence (primary or umbrella) for bodily injury, personal injury, and property damage and completed operations arising in any way from the issuance of the license or activities conducted pursuant to the license;

B) If the applicant is applying for a Class B license: limits of not less than \$3,000,000.00 per occurrence (primary or umbrella) for bodily injury, personal injury, or property damage and completed operations arising in any way from the issuance of the license or activities conducted pursuant to the license;

C) If the applicant is applying for a Class C license: limits of not less than \$1,000,000.00 per occurrence, \$2,000,000.00 in the aggregate ~~combined single limit~~, for bodily injury, personal injury, or property damage and completed operations arising in any way from the issuance of the license or activities conducted pursuant to the license;

D) If the applicant is applying for a Class D license: limits of not less than \$1,000,000.00 per occurrence, \$2,000,000.00 in the aggregate ~~combined single limit~~, for bodily injury, personal injury, or property damage and completed operations arising in any way from the issuance of the license or activities conducted pursuant to the license;

(E) If the applicant is applying for a Class E license: limits of not less than \$1,000,000.00 per occurrence for bodily injury, personal injury, or property damage and completed operations arising in any way from the issuance of the license or activities conducted pursuant to the license.

Each policy of insurance required under this section shall include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period. A single violation of this section shall result in suspension or revocation of the general contractor license in accordance with Section 4-4-280 ~~of this Code~~.

Each policy of insurance required under this section shall name the City of Chicago as an additional insured on a primary, noncontributory basis arising directly or indirectly from the licensee's operations.

SECTION 11. Section 4-68-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-68-150 Insurance.**

Every ambulance owner shall maintain in full force and effect at all times throughout the duration of the license period commercial general liability insurance and commercial automobile liability insurance and workmen-s worker's compensation insurance for employees with insurers approved by the Illinois Department of Insurance authorized to insure ~~transact insurance business in the State of Illinois and qualified to assure the risks for amounts hereinafter set forth~~

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~~an occurrence arising out of or caused by the operation or use of any of the ambulances belonging to the licensee.~~ The commercial general automobile liability insurance policy may cover one or more ambulance vehicles, but each ambulance shall be insured for the sum of at least \$350,000.00^ combined single limits ~~coverage~~ per occurrence for bodily injury and property damage. The commercial general liability insurance shall have limits of not less than \$350,000.00 for bodily injury, personal injury and property damage for liability arising in any way from the issuance of the license or activities conducted pursuant to the license. ~~Every~~ Each insurance policy for ~~such insurance~~ shall: (1) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations, and ~~shaH~~ (2) provide for the payment and satisfaction of any final judgment rendered against the owner, or any person driving any insured vehicle, and (3) so that suit may be brought in any court of competent jurisdiction upon such policy or contract by any person having claims arising from the operation or use of such ambulances; ~~it shall~~ contain a description of each ambulance vehicle insured, the manufacturer's name and serial number, the State license number, and the ambulance-operating license number.

All insurance policies required by this section or copies thereof certified by the insurers shall be filed with the department of business affairs and consumer protection, and no insurance shall be subject to cancellation or lapse, except on ~~30 days previous~~ days' advance notice to the department of business affairs and consumer protection. If any insurance is canceled or permitted to lapse for any reason, the department of business affairs and consumer protection shall suspend the license for the ambulance affected for a period not to exceed 30 days, to permit the insurance to be supplied in compliance with the provisions of this section. If such other insurance is not supplied within the period of suspension of the license, the mayor shall revoke the certificate of inspection for such ambulance.

*(Omitted text is unaffected by this ordinance)*

SECTION 12. Section 4-75-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-75-080 Insurance - Required. ^**

Each licensee under this chapter shall furnish proof of insurance, evidencing commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, ~~combined s-ing-le-hmiH~~ for bodily injury, personal

injury, and property damage arising in any way from the issuance of a the license or activities conducted pursuant to the license. Each policy of insurance required under this section shall; be (1) be issued by an insurer authorized to insure in the State of Illinois; (2) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse

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of the policy. The licensee shall maintain the insurance required under this section in full force and effect throughout the duration of the license period. Upon request by any authorized city official, a proof of insurance shall be made available for inspection by such city official.

SECTION 13. Section 4-83-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-83-070 Insurance - Required.**

(a) Any person who owns or operates any heliport within the city, other than a heliport owned or operated by a governmental entity, shall carry or cause to be carried commercial general liability insurance, with limits of not less than \$5,000,000.00 per occurrence for bodily injury, personal injury and property damage, insuring against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to or be recovered from such owner or operator by reason of or on account of damage to the property of any person, and injury to or the death of any person arising in any way from use and occupancy of and operations at such heliport by such owner, operator or other person. The insurance required under this section shall (0 be issued by an insurer authorized to ~~do business~~ insure in the State of Illinois, and (2) name the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy.

*(Omitted text is unaffected by this ordinance)*

SECTION 14. Section 4-144-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-144-060 Legal duties.**

(a) ~~Every~~ Each licensee shall obtain and keep current at all times throughout the duration of the license period, commercial general liability insurance for the operation of the premises described in such application or license with limits of not less than ~~in the aggregate amount of~~ \$1,000,000.00 for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license, issued by an insurer authorized to ~~de~~ insure in Illinois. The insurance policy required by this ~~section~~ subsection shall be for a term of at least 12 months, and shall be co-extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the two-year license period. The licensee shall keep proof of the required insurance at the licensed premises at all times and, upon demand, shall produce such proof for inspection by an authorized city official. Each policy of

insurance required under this ~~section~~ subsection shall include a provision requiring 30 days' advance notice to the commissioner prior to ~~termination~~ cancellation or lapse of the policy. Failure to comply with this ~~section~~ subsection shall be grounds for the suspension or revocation of the license for a single offense in accordance with Section 4-4-280 of this Code.

*(Omitted text is unaffected by this ordinance)*

SECTION 15. Section 4-151-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-151-070 Insurance requirements.**

The licensee shall obtain and keep current at all times throughout the duration of the license period, commercial general liability insurance for the operation of the premises described in such application or license with limits of not less than ~~in the aggregate amount of \$1,000,000.00~~ per occurrence for bodily injury, personal injury and property damage, issued by an insurer authorized to insure in Illinois. The insurance policy required by this section shall be for a term of at least 12 months, and shall be co-extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the two-year license period. The licensee shall keep proof of the required insurance at the shooting range facility at all times and, upon demand, shall produce such proof for inspection by an authorized city official. Each policy of insurance required under this section shall include a provision requiring 30 days' advance notice to the commissioner prior to ~~termination~~ cancellation or lapse of the policy. Failure to comply with this section shall be grounds for the suspension or revocation of the license for a single offense in accordance with ~~the requirements of Section 4-4-280 of this Code.~~ accordance with the requirements of Section 4-4-280 of this Code.

SECTION 16. Section 4-156-620 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-156-620 Insurance-Required.**

(a) Prior to the issuance of any indoor special event license, each applicant shall furnish proof of insurance, issued by an insurer authorized to insure in Illinois, evidencing commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. Each policy of insurance required under this section shall: (i) include a provision requiring 30 days days' advance notice to the commissioner prior to cancellation or lapse of the policy; (ii) be issued by an insurer authorized to insure in the State of Illinois; and (iii) shall name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations. The licensee shall maintain the insurance required under this subsection in full force

and effect throughout the duration of the license period. Proof of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official.



*(Omitted text is unaffected by this ordinance)*

SECTION 17. Section 4-168-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-168-050 Insurance-Required.**

(a) Each applicant for a bicycle messenger service license shall provide proof that the applicant and each bicycle operator engaged by each applicant has commercial general liability insurance coverage with limits on not less than \$300,000.00 per occurrence for bodily injury, personal injury and property damage in the following minimum amount arising in any way from the license or activities conducted pursuant to the licensee

- 1) \$50,000 for property damages;
- 2) \$50,000 for injuries to or death of any person; and
- 3) \$100,000 for injuries to or death of more than one person in any one accident. In addition, worker's

compensation coverage must be provided as required by state law.

*(Omitted text is unaffected by this ordinance)*

SECTION 18. Section 4-232-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-232-070 Issuance conditions.**

*(Omitted text is unaffected by this ordinance)*

(b) No valet parking operator license, or renewal thereof, shall be issued unless the applicant provides proof to the commissioner that ~~he has obtained~~ the applicant or licensee, as applicable, has obtained: (1) commercial general liability insurance covering all locations at which he such person operates or seeks to operate,, in with limits of not less than ~~the minimum amounts of \$ 1,000,000.00 per occurrence for bodily injury, personal injury, and liability, \$1,000,000.00 per occurrence for property damage, and~~ (2) commercial automobile liability insurance with limits of not less than \$1,000,000.00, combined single limit, per occurrence for bodily injury and property damage and (3) insurance with limits of not less than \$1,000,000.00

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per occurrence for garage keepers' legal liability. The City of Chicago shall be named as additional insured on a primary, noncontributory basis from any liability arising directly or indirectly from the licensee's operations.

The insurance ~~policy shall be for a term at least coextensive with the duration of the beense~~ required under this subsection shall: (1) be in full force and effect throughout the duration of the license period, ~~sha~~W (2) be issued by an insurer authorized to insure in Illinois., and shall ~~£3~~ not be subject to cancellation except upon 30 ~~days~~ days' prior notice

to the commissioner. Upon termination or lapse of the licensee's insurance coverage, any valet parking operator license issued to him such person shall automatically expire.

The applicant shall provide proof of insurance to the commissioner. This certificate must required under this subsection shall be made available^ by the commissioner^ to the public for the duration of the license.

*(Omitted text is unaffected by this ordinance)*

SECTION 19. Section 4-280-140 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-280-140 Insurance - Bonds - Indemnity.**

A. Upon the granting of a franchise and within 30 days following the filing of the acceptance required under Section 4-280-470 hereof and at all times during the term of the franchise, including the time for removal of facilities or management as a trustee as provided for herein, a grantee shall obtain, pay all premiums for and tile with the city comptroller written evidence of payment of premiums and executed duplicate copies of the following:

1. A commercial general comprehensive liability policy for bodily injury, personal injury and property damage arising in any way from the franchise or ~~indemnifying, defending and saving harmless the city, its officers, boards, commissions, agents or employees from any and all claims by any person whatsoever on account of injury to or death of a person or persons occasioned by the installation or operation of the grantee's cable system, or alleged to have caused or occurred,~~ with a minimum liability of an amount as established in the franchise;

2. ~~Property damage insurance~~ The franchise shall ~~mdemni-rying, defending~~ indemnify, defend and hold s ~~aving harmless the city, it its officers, boards, commissions, agents or employees from any and all claims by any person whatsoever on account of injury to or death of a person or persons or for property damage occasioned by the installation or operation of the grantee's cable system, or alleged to have occurred or been so caused or occurred.~~

SECTION 20. Section 7-12-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

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**7-12-050 Dangerous animals - Determination and requirements.**

*(Omitted text is unaffected by this ordinance)*

(6) Within ten business days of the declaration that the animal is a dangerous animal, the owner must procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the owner's animal, in an amount not less than \$100,000.00 for each animal declared dangerous for bodily injury, personal injury and property damage. The insurance shall include a provision whereby the insurer notifies the executive director not less than 30 days prior to cancellation or lapse of coverage.

*(Omitted text is unaffected by this ordinance)*

SECTION 21. Section 9-72-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-72-070 Special permits.**

*(Omitted text is unaffected by this ordinance)*

(d) (1) The executive director shall not issue any permit unless the applicant has furnished proof of commercial automobile liability insurance ~~naming the city as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations~~ with limits of not less than ~~for the amount of \$ 1,000,000.00~~ per occurrence, combined single limit, for bodily injury and property damage ~~so as to save the city harmless from any claim, loss or damage~~ that may result from the granting of the permit or that may arise from or on account of any work done thereunder.

*(Omitted text is unaffected by this ordinance)*

SECTION 22. Section 9-108-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-108-080 Insurance-Required.**

*(Omitted text is unaffected by this ordinance)*

(b) Each applicant for the issuance or renewal of a horse-drawn carriage license shall provide proof that the owner has commercial general liability ~~and property damage~~ insurance, issued by an insurer authorized to insure in Illinois, to secure payment by the owner of any final judgment or settlement of any claim against the owner, operators, employees, or lessees of the owner's horse-drawn carriage business resulting from any occurrence arising out of or caused by

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the operation or use of any of the owner's horse-drawn carriage(s). Every insurance policy or contract for such insurance shall name the city as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

c) Such insurance policy shall provide at least the following minimum coverage for each horse-drawn carriage: \$300,000.00 per occurrence for bodily injury, personal injury and ~~\$50,000.00 for property damage; \$100,000.00 for injuries to or death of any one person; and \$300,000.00 for injuries to or death of more than one person in any one accident with a maximum of \$100,000.00 payable to any one person.~~ In addition, worker's compensation coverage must be provided as required by state law.

d) Any insurance policy required by this section shall be in a form satisfactory to the commissioner and must provide that the policy shall not be cancelled and the amount of coverage shall not be changed unless 30 days' prior written notice is given to the commissioner. Provided, however, that 10 days' prior written notice shall be given to the commissioner for non-payment of premium.

*(Omitted text is unaffected by this ordinance)*

SECTION 23. Section 9-110-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-110-080 Insurance - Required.**

*(Omitted text is unaffected by this ordinance)*

(b) Each applicant for the issuance or renewal of a pedicab license shall provide proof that the applicant has commercial general liability and ~~property damage~~ insurance, issued by an insurer authorized to insure in Illinois, to secure payment by the applicant of any final judgment or settlement of any claim against the applicant, chauffeurs, employees, or lessees of the applicant's pedicab business resulting from any occurrence arising out of or caused by the operation or use of any of the applicant's pedicab(s). Every insurance policy or contract for such insurance shall name the city as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(c) Such insurance policy shall provide at least the following minimum coverage for each pedicab: \$300,000 per occurrence for bodily injury, personal injury and property damage

~~\$300,000.00 for injuries to or death of more than one person in any one accident with a maximum of \$100,000.00 payable to any one person.~~ In addition, worker's compensation coverage must be provided as required by state law.

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(d) Any insurance policy required by this section must be in a form satisfactory to the commissioner and must provide that the policy will not be cancelled and the amount of coverage will not be changed unless at least 30 days' prior written notice except 10 days' prior written notice for non-payment of premium is given to the commissioner.

*(Omitted text is unaffected by this ordinance)*

SECTION 24. Section 9-112-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-330 Insurance.**

(a) Every licensee ~~must~~ shall comply with all insurance requirements mandated by Federal, State and City laws. Licensees shall carry commercial general automobile liability and ~~property damage~~ insurance and, where applicable, ~~workers~~ worker's compensation insurance, from an insurance company authorized to ~~do business~~ insure in the State of Illinois, and qualified under the laws of Illinois to assume the risk in the amounts hereinafter set forth, to secure payment by the licensee, his agents, employees or lessees of any final judgment or settlement of any claim against them resulting from any occurrence caused by or arising out of the operation or use of any of the licensee's vehicles.

Every insurance policy issued shall list the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(1) Liability insurance: Each commercial ~~general~~ automobile liability insurance policy shall provide at least the following minimum coverage for each taxicab: \$350,000.00 combined single limit coverage per occurrence.

*(Omitted text is unaffected by this ordinance)*

SECTION 25. Section 9-114-170 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-114-170 Insurance.**

(a) Every licensee shall comply with all insurance requirements mandated by Federal, State and City law. Licensees must carry commercial automobile general liability insurance for bodily injury and property damage and ~~property damage insurance~~ and where applicable, ~~workers~~ worker's compensation insurance, from an insurance company authorized to ~~do business~~ insure in the State of Illinois, and qualified under the laws of Illinois to assume the risk in the

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amounts hereinafter set forth, to secure payment by the licensee, or his agents, employees or lessees of any final judgment or settlement of any claim against them resulting from any occurrence caused by or arising out of the operation or use of any of the licensee's public passenger vehicles.

Every insurance policy issued shall list the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(1) Liability insurance: Each automobile public liability insurance policy shall provide at least the following minimum coverage for each licensed vehicle:

For each vehicle with capacity of more than 10 seats:

\$1,000,000.00 combined single limit coverage per occurrence

For each vehicle with a capacity of up to 10 seats:

\$350,000.00 combined single limit coverage per occurrence

\$100,000.00 combined single limit coverage per occurrence

*(Omitted text is unaffected by this ordinance)*

SECTION 26. Section 9-115-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-115-090 Transportation network provider license - Insurance required.**

*(Omitted text is unaffected by this ordinance)*

(b) Each applicant for the issuance or renewal of a transportation network provider license shall provide proof that the applicant has:

(i) commercial general liability insurance to secure payment by the applicant of any final judgment or settlement of any claim against the applicant or employees of the applicant's transportation network provider business. Such insurance shall ~~be primary and noncontributory~~; name the City of Chicago as an additional insured on a primary noncontributory basis for any liability arising, directly or indirectly, from the licensee's operations; and shall include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse, or any change of the policy.

(Omitted text is unaffected by this ordinance)<sup>41</sup>

The insurance policies required in this section shall be; (i) available to cover claims as specified in this section regardless of whether a driver maintains insurance adequate to cover any portion of the claim; (ii) disclosed on the licensee's Internet-enabled application and website in the form of endorsement pages from the insurance company, and (iii) maintained in full force and effect at all times that the transportation network provider offers or provides transportation network service.

*(Omitted text is unaffected by this ordinance)*

SECTION 27. Section 9-116-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-116-050 Insurance.**

The owner and/or operator of any school vehicle shall be required to carry a commercial automobile ~~public~~ liability insurance ~~policy or contract of insurance on each vehicle in the amount of not less than \$50,000.00 for injury and/or death to any one person, and not less than \$200,000.00 for injury and/or death to two or more persons, and such insurance policy or contract of insurance shall also provide \$5,000.00 for property damage in an amount not less than \$300,000.00 per occurrence, combined single limit, for bodily injury and property damage and commercial general liability insurance in an amount not less than \$300,000.00 per occurrence for bodily injury, personal injury and property damage arising in any way from the issuance of registration or activities conducted pursuant to the registration~~ The insurance policies required under this section shall be issued by an insurer authorized to insure in Illinois and shall be maintained in full force and effect throughout the duration of registration. Every insurance policy ~~or contract of insurance~~ shall provide for the payment and satisfaction of any final judgment rendered against said vehicle owner and/or operator.

All insurance policies ~~or contracts~~ required by this section, or copies of same, shall be filed with the commissioner and no insurance policy ~~or contract~~ shall be subject to cancellation except on 30 days' previous notice to the commissioner.

SECTION 28. Section 10-8-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**10- 8-330 Parade.**

*(Omitted text is unaffected by this ordinance)*

(m) For large parades, the commissioner shall require, as a condition of the permit, that the parade organizer obtain a \$1,000,000 commercial general liability insurance policy

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with limits of not less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, naming the city as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations. In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, the permittee shall indemnify, defend and hold harmless the City of Chicago and its assignees and employees against any additional or uncovered third party claims against the city arising out of or caused by the parade; and shall agree to reimburse the city for any damage to the public way or to city property arising out of or caused by the parade.

*(Omitted text is unaffected by this ordinance)*

**SECTION 29. Section 10-8-335 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows: 10-8-335 Outdoor special events.**

*(Omitted text is unaffected by this ordinance)*

(n) No permit shall be issued until the applicant has supplied to the department a proof of insurance evidencing commercial general liability insurance, with limits of not less than \$4,000,000; \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, naming the city as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations.

*(Omitted text is unaffected by this ordinance)*

SECTION 30. Section 10-8-340 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**10-8-340 Donation of promotional decorative light pole banners and decorations.**

*(Omitted text is unaffected by this ordinance)*

c. No professional banner company may hang any banner or other decoration on any city light pole until it has furnished the commissioner with proof of insurance, which must evidence that the company has procured commercial general liability insurance or the equivalent thereof with limits of not less than \$1,000,000.00 per occurrence for bodily injury, personal injury, and property damage, which shall cover any damage caused by the hanging, maintenance or removal of the banners or other decoration on city light poles. The City of Chicago shall be named as an additional insured on a primary, non-contributory basis for any liability arising directly or indirectly from the permittee's operations. Upon receipt of proof of insurance, the commissioner shall transmit a copy of such proof to the department of finance risk manager.

*(Omitted text is unaffected by this ordinance)*

SECTION 31. Section 10-20-115 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**10-20-115 Insurance required for license.**

No public way work license shall be issued pursuant to this ~~article~~ Article I until the applicant for such license shall first have obtained commercial general liability insurance and has presented to the commissioner of transportation proof of such insurance against any liability, loss or claim arising out of the issuance of the license, or out of work performed pursuant to the license. Such insurance shall: (1) be issued by an insurer authorized to ~~do business~~ insure in Illinois, ~~shall~~ (2) be in an amount no less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, and ~~shall~~ £3} name the City of Chicago, its officers, employees and agents as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations. The insurance policy shall provide for 30 days' written notice to the commissioner of transportation prior to any lapse, cancellation or change in coverage. The insurance shall be maintained in effect at all times during the term of the license. In lieu of the insurance requirements stated above, and apart from and separate from any insurance requirement under this section, the commissioner of transportation in his or her discretion may require, instead of such insurance, any alternative form of indemnity, protection or security that the commissioner deems necessary to accomplish the above-described purposes.

SECTION 32. Section 10-20-415 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**10-20-415 Application - Insurance - Notice - Appeal.**

*(Omitted text is unaffected by this ordinance)*

(b) Plans and specifications of such driveway, in accordance with standard specifications established by the commissioner, shall be submitted to the commissioner and shall be accompanied by proof of commercial general liability insurance against any liability, loss or claim arising out of the issuance of the permit, or out of the permitted disturbance of the public way or part thereof. Such insurance shall be issued by an insurer authorized to ~~do business~~ insure in Illinois, shall name the City of Chicago, its officers, employees and agents as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations and shall be in an amount no less than \$250,000.00 per occurrence for bodily injury, personal injury and property damage for a Class A use of public way permit (as

defined in Section 10-20-420), and in an amount no less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage for a Class B use of public way permit (as defined in Section 10-20-420). The insurance policy shall be kept in force throughout the life of said permit, and if at any time during the life of said permit said



insurance shall not be in full force, then the authority and privileges herein granted shall thereupon cease. With respect to a Class B use of public way permit (as defined in Section 10-20-420), the insurance policy shall provide for written notice to the commissioner within 30 days of any lapse, cancellation or change in coverage. In lieu of the insurance requirements stated above, and apart from and separate from any insurance requirement under this section, the commissioner in his or her discretion may require, instead of such insurance, any alternative form of indemnity, protection or security that the commissioner deems necessary to accomplish the above-described purposes.

*(Omitted text is unaffected by this ordinance)*

SECTION 33. Section 10-20-510 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**10-20-510 Nonstandard surface material.**

a) No part of the top or wearing surface of any sidewalk in any public way in the city shall be composed of any nonstandard surface; ~~provided~~, Provided, however, that the commissioner of transportation may approve the use of a non-standard surface on such sidewalk if the adjacent property owner ~~upon the filing~~ files with the commissioner of transportation proof of commercial general liability insurance against any liability, loss or claim arising by reason or on account of any defect in the construction or design of a sidewalk incorporating a nonstandard surface, or by reason or on account of the failure to maintain said sidewalk in good condition and repair; ~~such~~ Such insurance shall: (1) to be issued by an insurer authorized to do business in Illinois, and (2) be in an amount no less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, (3) ~~The above described insurance~~ (4) shall name the City of Chicago, its officers, employees and agents as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations, ~~and (2) shall~~ (4) provide for written notice to the commissioner of transportation within 30 days of any lapse, cancellation or change in coverage by the adjacent property owner or any grantee, successor, assigns or subsequent owner of the property, and ~~(3) shall~~ (5) be kept in force as long as said sidewalk shall exist in the form described in this section. If at any time while said sidewalk exists in this form^ such insurance shall not be in full force and effect, then the authority and privileges herein granted shall thereupon cease.

b) In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, as a condition for permitting the installation of a non-standard sidewalk, the applicant, the adjacent property owner, or any grantee, successor.

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assignee or subsequent owner shall indemnify, defend, and hold harmless the city against all liabilities, judgments, costs, damages and expenses which may in any way come against said city by reason or on account of such construction or of any defect in the construction of said sidewalk or by reason or on account of the failure to maintain said sidewalk in good condition and repair; provided, however, that nothing in this paragraph shall be held to apply to any nonstandard surface approved by the commissioner of transportation. The commissioner of transportation in his or her discretion may require, instead of such insurance, any alternative form of indemnity, protection or security that the commissioner deems necessary to accomplish the above-described purposes.

c) In addition to, and apart from and separate from, the requirements stated above, the initial grantee, and the initial grantee's successors, assignee or subsequent owner of the right to install a non-standard sidewalk surface shall

maintain the sidewalk in good condition and repair.

d) The initial grantee, and the initial grantee's successors, assignee or subsequent owner of the right to install a non-standard sidewalk surface shall inform the commissioner of transportation within 30 days of any transfer of the property adjacent to the non-standard sidewalk and shall further inform the commissioner of the name and contact information of the initial grantee's successor.

e) The initial grantee, and the initial grantee's successors, assignee or subsequent owner of the right to install a non-standard sidewalk surface shall inform, in writing with a copy to the commissioner of transportation, the purchaser of the property of the obligation to maintain and insure the non-standard sidewalk consistent with the provisions of this section.

*(Omitted text is unaffected by this ordinance)*

SECTION 34. Section 10-28-015 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**10-28-015 Public way use permits - Application and issuance.**

*(Omitted text is unaffected by this ordinance)*

(e) All public way use permits shall be subject to the following:

*(Omitted text is unaffected by this ordinance)*

(5) The permittee shall furnish to the department, prior to issuance of the public way use permit, proof of insurance evidencing commercial general liability coverage in an amount not less than \$1,000,000.00 per occurrence, combined single limit, with the insurance covering bodily injury, personal injury all liability, both public liability and property damage, that may

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result from issuance of the permit or use of the public way. The insurance shall name the city and its agents and employees as additional insureds insured on a primary, non-contributory basis for any liability arising directly or indirectly from the permittee's operations and shall also clearly indicate that the public way use being permitted is covered by the insurance policy. Every policy required shall require 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. Proof of renewal of such insurance coverage shall be furnished to the department no later than 30 days prior to the expiration of the policy. The insurance coverage shall be maintained at all times by the permittee until: (i) the public way use authorized by the permit is removed; (ii) the public way is restored to the satisfaction of the commissioner of transportation; and (iii) all fees due the city have been paid.

*(Omitted text is unaffected by this ordinance)*

SECTION 35. Section 10-28-281.2 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**10-28-281.2 Permit required.**

*(Omitted text is unaffected by this ordinance)*

(D) An application for a permit issued pursuant to this section shall contain; (1) the name of the applicant; (2) the name, address and telephone number of the owner of the building requiring the obstruction and, if applicable, the provider of the construction canopy; (3) the location of the proposed obstruction; (4) the purpose of the obstruction; (5) whether the obstruction is; (a) for the alteration, maintenance or repair of a building's exterior facade; (b) for exterior work conducted pursuant to the City's critical examination program, Sections 13-196-033 through 13-196-037, inclusive; (c) for demolition; (d) for new construction; or (e) for any other type of construction or maintenance; (6) the proposed commencement date and the estimated duration of the obstruction; and (7) evidence of a commercial general liability insurance policy, issued by an insurer authorized to transact business insure in Illinois, in an amount not less than \$1,000,000.00 per occurrence, for bodily injury, personal injury and property damage arising in any way from the permit or activities conducted pursuant to the permit. The insurance policy required under this subsection shall and naming name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations. The applicant shall maintain the insurance required under this subsection in full force and effect throughout the duration of the permit period.

*(Omitted text is unaffected by this ordinance)* 47

SECTION 36. Section 10-28-660 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**10-28-660 Permit - Application - Conditions.**

*(Omitted text is unaffected by this ordinance)*

(c) Each contractor shall provide proof to the commissioner that such contractor has obtained commercial general liability insurance with limit of not less than \$300,000.00 per occurrence for bodily injury, personal injury and property damage in connection with all of the contractor's advertising benches, naming the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations. The aggregate amount of the insurance shall be an amount determined by the city comptroller, office of risk management, to be sufficient to cover all potential liability arising from the placement of the advertising benches.

*(Omitted text is unaffected by this ordinance)*

SECTION 37. Section 10-28-794 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**10-28-794 Permit - Liability insurance.**

(a) No permit for installment or erection of a refuse compactor or grease container on the public way shall be issued unless the applicant provides proof to the commissioner that the applicant has ~~obtained~~ commercial general liability insurance for bodily injury, personal injury and property damage, naming the City of Chicago as an additional insured; on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations

and for any loss, claim, casualty or liability arising from the erection, maintenance or use of the refuse compactor. The insurance shall be in an amount determined by the city comptroller, office of risk management, to be sufficient to cover all such liabilities, and shall not be subject to cancellation except upon 30 days' advance written notice to the commissioner. The insurance shall commence from the erection of the refuse compactor and shall remain in effect as long as the refuse compactor or grease container remains on the public way.

*(Omitted text is unaffected by this ordinance)*

SECTION 38. Section 7-28-799 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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**10-28-799 Dumpsters/roll off boxes on the public way.**

*(Omitted text is unaffected by this ordinance)*

(D) Insurance. No dumpster permit shall be issued until the applicant for such permit shall first have presented to the commissioner of transportation proof of commercial general liability insurance against any liability, loss or claim arising out of the issuance of dumpster permits, or out of the placement, presence, use, maintenance or removal of the dumpsters. Such insurance shall: d) be issued by an insurer authorized to do business insure in Illinois, ~~shall~~ <sup>be</sup> in an amount no less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, ~~and shall~~ (3) name the City of Chicago, its officers, employees and agents as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operationsT, (4) ~~The insurance policy shall~~ provide for 30 days days' written notice to the commissioner of transportation prior to any lapse, cancellation or change in coverage^ and (5) ~~The insurance shall~~ be maintained in full force and effect at all times that the dumpster remains on the public way.

*(Omitted text is unaffected by this ordinance)*

SECTION 39. Section 10-28-815 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**10-28-815 Insurance required.**

Each applicant for a sidewalk cafe permit shall furnish proof of insurance evidencing commercial general liability insurance with limits of not less than \$500,000.00 per occurrence, \$1,000,000.00 in the aggregate ~~eenibmed-sing-le-limit~~, for bodily injury, personal injury and property damage liability. The insurance shall provide for 30 days days' prior written notice to be given to the City of Chicago if coverage is substantially changed, canceled or non-renewed.

*(Omitted text is unaffected by this ordinance)*

SECTION 40. Section 10-32-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 10-32-080 Issuance of permit.

No permit shall issue for any work on a parkway unless:

(Omitted text is unaffected by this ordinance) 49

(c) The person who is to perform the work presents to the commissioner proof of commercial general liability insurance<sup>^</sup> in-the-minimum amount of \$50,000.00 for bodily injury and with limits of not less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, naming the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations.

SECTION 41. Section 10-40-091 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 10-40-091 Insurance requirements.

No person shall rent a vessel within the harbor, or provide fishing, entertainment or passenger services on a vessel within the harbor, for monetary or other consideration, without first (1) obtaining commercial general liability ~~or~~ equivalent insurance, issued by an insurer authorized to insure risks in Illinois, with limits of not less than \$1,000,000.00 per occurrence for bodily injury and property damage or in an amount and form approved by the risk manager in the department of finance; and (2) filing with the commissioner of transportation proof of the required insurance. In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, any person providing any of the services above-mentioned shall indemnify, defend and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising out of the person's use of the harbor, rental of vessels and providing of services described in this section. The risk manager shall not approve any form of insurance under this section unless: (1) the City of Chicago is named as an additional insured on a primary, noncontributory basis for any liability or claim arising directly or indirectly from the person's use of the harbor, rental of vessels and providing of services described in this section; and (2) the policy of insurance requires at least 30 days' prior notice of cancellation to every insured.

SECTION 42. Section 13-12-125 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

### 13-12-125 Vacant buildings - Owner required to act - Enforcement authority.

(Omitted text is unaffected by this ordinance)

(c) The owner of any building that has become vacant shall, within 30 days, acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 per occurrence for bodily injury, personal injury and property damage for buildings designed primarily for use as residential units and commercial general liability in an amount not less than \$1,000,000.00 per

occurrence for bodily injury, personal injury and property damage for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired after the building has become vacant shall provide for written notice to the commissioner of buildings within 30 days of any lapse, cancellation or change in coverage. The owner shall maintain the insurance required under this subsection in full force and effect throughout the period that the building is vacant. Such insurance shall be issued by an insurer authorized to insure in Illinois. The owner and the owner's authorized agent for service of process shall provide evidence of the insurance, upon request, to the commissioner of buildings or his or her designee.

*(Omitted text is unaffected by this ordinance)*

SECTION 43. Section 13-20-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-090 Inspection of amusement park devices - Permits - Fees.**

*(Omitted text is unaffected by this ordinance)*

Every permit application for a mechanical amusement riding device shall be accompanied by proof of ~~compre~~hensive commercial general liability insurance and property damage insurance, which will shall name the City of Chicago, its officers and employees<sup>^</sup> as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations in an amount of not less than \$400,000.00 ~~for any one person and \$~~ 1,000,000.00 ~~for any one accident~~ per occurrence for bodily injury, personal injury and property damage, which Such proof of insurance shall be filed with the building commissioner and the city comptroller. The applicant or permittee shall maintain such insurance policy in full force and effect at all times during the permit period. Each policy shall include a provision to the effect that it the policy shall not be subject to cancellation, reduction in the amounts of its liabilities, or other material change until notice thereof has been received in writing by the city comptroller, not less than 30 days prior to such action. Failure to maintain insurance coverage as required by this section shall result in the revocation of the mechanical / amusement riding device permit.

*(Omitted text is unaffected by this ordinance)*

SECTION 44. Section 13-20-700 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-700 Posting of bonds.**

a) Bond required. Every person in die business of erecting, maintaining, or removing signs or structures shall submit to the building commissioner, a bond, with surety to be approved by the building commissioner in the penal sum

of \$25,000.00 conditioned that such person shall faithfully comply with all provisions and requirements of this chapter with respect to the alteration, location and safety of such signs or structures and for the payment of the original permit fees required by this ~~article~~ Article XIII; and shall indemnify, defend and hold harmless the City of Chicago, its officials, and employees ~~harmless~~ from any claims, damages, liabilities, losses, actions, suits, or judgments which may be presented, sustained, brought, or obtained against the City of Chicago; or against any of its officials, or employees because of the maintenance, alteration, or removal of any electric sign, signboards, or structure, or by reason of any accident, caused by or resulting therefrom.

b) Annual bond. An individual annual \$15,000.00 bond for each sign shall be required on subsections (8) and (9) of Section 18-27-600.28. (Roof signs and pole signs over 24 feet (610 mm) in height.) In lieu of such individual annual bond, any person, firm, or corporation owning, leasing, erecting, maintaining, or removing any sign or signs within the description of these subsections may file with the ~~building~~ buildings commissioner proof of insurance issued by any casualty company authorized to ~~do business~~ insure in the State of Illinois., ~~adding~~ which shall name the City of Chicago; and its officials, agents, or servants as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations and for any and all claims, demands, or suits for personal injury or property damage where the liability alleged against the City of Chicago for such injury or property damage arises out of the provisions of this ~~article~~ Article XIII. Such proof of commercial general liability insurance shall ~~provide~~ ~~applicable~~ be in an amount not less than \$300,000.00 per occurrence for bodily injury, with limits of not less than \$100,000.00 per person and \$300,000.00 per accident for personal injury and property damage, ~~limits of not less than \$20,000.00 per accident~~ and shall further provide that the building commissioner be given 30 days days' advance notice by the insurer prior to any cancellation of or lapse in the coverage.

*(Omitted text is unaffected by this ordinance)*

SECTION 45. Section 13-32-240 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-32-240 Building wrecking - Bond requirements.**

*(Omitted text is unaffected by this ordinance)*

In addition to the bonds provided aforesaidj-the any person engaged in the work of wrecking shall file with every application for a permit to wreck or tear down any building or structure or portion thereof, a commercial general ~~comprehensive~~ ~~public~~ liability insurance policy with limits of not less than of \$500,000.00 per occurrence for bodily injury, personal injury and property damage ~~insurance policy~~ arising in any way from the permit or activities conducted pursuant to the permit, approved by the city comptroller<sup>^</sup>. The insurance policy required under this subsection shall name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations. The permittee shall maintain the insurance required under this section in full force and effect throughout the duration of the permit period. The insurance shall be issued by an insurer authorized to insure in Illinois. In addition to the requirements under this section, and apart from and separate from any insurance under this section, the

person engaged in the work of wreckingT^which shall keep and save indemnify, defend and hold harmless any owner of property adjacent to the property on which the building or structure to be wrecked is located, against any loss, cost, damage, expense, or liability of any kind whatsoever which said owner of adjacent property may suffer, or which may accrue against, be charged to or be recovered from said adjacent property owner or anyone holding title by or under said owner of adjacent property, by reason of or arising out of any such wrecking operations. ~~The amounts of such insurance shall be as specified below: public liability insurance in an amount not less than \$250,000.00 for injuries, including accidental death to any one person and subject to the same limits for each person, in an amount not less than \$500,000.00 on account of any one accident. Property damage insurance in an amount not less than \$100,000.00 for damage to property in any one accident with an aggregate limit of not less than \$300,000.00.~~ In the event an aggrieved party finds it necessary to seek recovery for damages against a demolition contractor by the filing of an appropriate action at law, he such aggrieved party shall, upon being awarded judgment in his favor, be entitled to recover his court costs and reasonable attorney's fees against the demolition contractor, as determined by the court.

SECTION 46. Section 13-34-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-34-040 Scaffolding permit - Training and insurance required.**

*(Omitted text is unaffected by this ordinance)*

(b) Before commencing the erection of any scaffolding subject to a scaffolding permit, the operator must obtain commercial general liability insurance against any liability, loss or claim caused by, or arising from the erection, disassembly, or use of, the scaffolding. Such insurance shall: (1) be issued by an insurer authorized to do business insure in Illinois, shaH (2) be in an amount no less than \$ 1,000,000.00 per occurrence for bodily injury, personal injury and property damage, and-shall (3) name the City of Chicago, its officers, employees and agents

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as additional insureds insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operationsT; and (4) ~~The insurance shall~~ be maintained in full force and effect at all times that the scaffolding is present or throughout the permit period.

*(Omitted text is unaffected by this ordinance)*

SECTION 47. Section 13-124-420 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-124-420 Insurance required.**

No person shall begin or conduct any excavation within five feet of the public way, or within five feet of any portion of a structure located on the property of another, without maintaining in effect a commercial general comprehensive liability insurance policy against all claims for damage, death and injury arising from the excavation. The policy shall be in an amount determined by the building commissioner, based on the size of the excavation^ and the proximity, construction and occupancy of structures on adjacent property. In no event shall the amount be less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage and the policy shall provide for 30



days' advance notice to the City of Chicago prior to cancellation or lapse of the policy. Proof of the required insurance shall be submitted as part of the application for the permit for the excavation and shall remain in full force and effect throughout the duration of the permit period.

SECTION 48. Section 15-4-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**15-4-330 Bonds.**

*(Omitted text is unaffected by this ordinance)*

For all contractors or others now engaged in, or purporting hereafter to engage in, any activity involving explosives or blasting operations, commercial general liability ~~and~~ property damage insurance shall be required in the amount of not less than \$3,000,000.00 per person and \$10,000,000.00 per occurrence for bodily injury, personal injury and property damage, for the payment of any loss, damage or injury resulting to persons or property by reason of the use, keeping, sale or transporting of explosives; and the city shall be named as additional insured on a primary, non-contributory basis for any liability arising directly or indirectly from the contractor's operations.

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SECTION 49. Section 15-4-470 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**15-4-470 Issuance of license.**

A license shall be granted to all qualified applicants who have passed the examinations required under Section 15-4-440 and who have delivered to the fire commissioner satisfactory evidence of the existence of a commercial general public liability insurance policy issued by an insurance company authorized to insure in Illinois of national standing, insuring the public in an amount of not less than \$300,000.00 per occurrence for bodily injury, personal injury and against property damage arising in any way from the issuance of the license or activities conducted pursuant to the license and in a like amount against personal injury caused by the negligence of such applicant in servicing fire extinguishers. The insurance coverage shall include both manufacturers and contractors liability and products and completed operations liability-types. The insurance policy required under this section shall: (1) name the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations; and (2) be in full force and effect throughout the duration of the license.

*(Omitted text is unaffected by this ordinance)*

SECTION 50. Section 15-4-480 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **15-4-480 License fee.**

Upon approval by the board of examiners of an application for a license under this Article VII and the acceptance by the fire commissioner of the public commercial general liability insurance policy, the fire commissioner shall forward such approved application to the comptroller. Upon payment of an annual license fee of \$30.00, a license shall be issued. Such license shall expire on the thirty-first day of December of the year in which it is issued. The fire commissioner shall cause all licensees' information to be kept on a database readily accessible by first response agencies.

SECTION 51. Section 15-4-550 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

#### **15-4-550 Fireworks.**

The fire commissioner may, upon due application, issue a permit to a properly qualified person for giving a display of fireworks on privately owned property. The applicant shall give

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written notice to the alderman of the affected ward ten days prior to the date of application for such permit. The application shall be filed with the fire commissioner, and shall include the following information: (1) the written consent of the alderman of the affected ward; (2) the written consent of the owner of the property where the applicant proposes to give the display; (3) proof that the applicant is in compliance with all provisions of the Illinois Pyrotechnic Operator Licensing Act, as amended; (4) proof that the applicant is in compliance with the Illinois Fireworks Use Act, as amended; and (5) proof of commercial general liability insurance, in an amount not less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, issued by an insurer authorized to insure risks in Illinois. The City of Chicago and its officers and employees shall be named as additional insured on a primary, non-contributory basis for any liability arising directly or indirectly from the permittee's operations. The insurance policy shall provide for notice to the fire commissioner no less than 72 hours prior to cancellation or lapse of coverage. If the proposed location of the display is licensed for the retail sale of alcoholic liquor for consumption on the premises, the applicant shall also include proof of the licensee's compliance with Section 6-32(a) of the Illinois Liquor Control Act, as amended. No display of fireworks shall be permitted between the hours of 11:00 P.M. and 6:00 A.M. In no case shall any display of fireworks be conducted unless the site meets safety standards set by the fire commissioner. The fire commissioner shall promulgate such safety standards as needed to determine if a proposed site has the proper safety equipment, personnel and procedures necessary to conduct a fireworks display. The safety standards shall be no less stringent than those adopted by the state fire marshal. The fire commissioner may impose additional specific conditions related to unique conditions of the property where an indoor display is proposed.

### **ARTICLE III. RESIDENTIAL PARKING PERMITS**

SECTION 1. Section 2-12-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **2-12-010 Powers and duties.**

~~The city clerk shall, in~~ In addition to other duties imposed upon him the City Clerk by law, the City Clerk ~~perfo~~rm shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance)*

Administer and enforce the provisions of this Code conferring powers and duties on the ~~city clerk~~ City Clerk relating to residential zone parking permits and residential parking daily permits, which shall include the authority to issue citations for violations;

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*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 3-56-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**3-56-040 Issuance.**

*(Omitted text is unaffected by this ordinance)*

(c) During a period of heavy volume of applications for a wheel tax license, or when necessary to promote the efficient and orderly administration of this chapter, the ~~city clerk~~ City Clerk, in consultation with the city comptroller, shall have authority to: (1) extend the required purchase date for an additional amount of time, not to exceed 15 (fifteen) days, for all persons required during such period to buy a wheel tax license emblem or combined wheel tax license/residential ~~permit~~ zone parking emblem permit; and (2) waive any late fees otherwise applicable to such persons during such period. If the ~~city clerk~~ City Clerk exercises such authority, the ~~city clerk~~ City Clerk shall post notice of such fact on the ~~city clerk's~~ City Clerk's-website.

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

**3-56-070 Wheel tax license emblems.**

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

*(Omitted text is unaffected by this ordinance)*

SECTION 4. Section 4-232-080 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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**4-232-080 Operating procedures.**

*(Omitted text is unaffected by this ordinance)*

f) No valet parking operator may use ~~one-day~~ residential parking daily permits in the conduct of that operator's valet parking business.

SECTION 5. Section 9-64-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-64-090 Residential parking permit.**

*(Omitted text is unaffected by this ordinance)*

g) ~~Visitor parking~~ Residential parking daily permits issued pursuant to Section 9-68-020 shall be valid for a 24 hour period from the time of posting. A ~~visitor parking~~ residential parking daily permit purchased electronically shall be valid for a 24 hour period from the time of activation of such permit. The display requirement for ~~visitor parking~~ residential parking daily permits may be met through electronic receipt.

(h) A not-for-profit organization "one-day" residential parking daily permit pilot program ("pilot program") is hereby created as provided in this subsection. Any not-for-profit organization licensed to conduct affairs in the State of Illinois and located within a residential ~~permit~~ parking permit zone, or on either side of a business, or commercial block immediately adjacent to that residential ~~permit~~ parking permit zone, shall qualify to purchase not more than 30 ~~one-day~~ residential parking daily permits for each of up to five of its employees per month to park in such zone. The ~~city clerk~~ City Clerk shall sell ~~one day~~ residential parking daily permits to such not-for-profit organization, upon presentation of evidence by such organization, in a form satisfactory to the ~~city clerk~~ City Clerk, including, but not limited to, a letter signed by the alderman of the ward where such organization is located, confirming that the organization is in compliance with the requirements of this subsection, and, if the organization has vehicles, unless exempted under Section 3-56-140 of this Code, that the organization has already purchased a wheel tax license emblem. The fee for such ~~one-day~~ residential parking daily permits shall be as specified in ~~subsection (d)~~ of Section 9-68-020(b)(5) of this Code. Any ~~one-day~~ residential parking daily permit issued pursuant to this subsection shall only be used by employees of the not-for-profit organization in the course of their employment.

*(Omitted text is unaffected by this ordinance)*

This pilot program shall expire on December 31, ~~2016~~ 2017.

{Omitted text is unaffected by this ordinance} 58

SECTION 6. Section 9-68-020 of the Municipal Code of Chicago is hereby repealed in its entirety, and replaced with a new Section 9-68-020, as follows:

**9-68-020 Residential parking permits.**

(a) (1) Residential zone parking permit - Generally. The City Clerk or City Clerk's designee shall issue residential zone parking permits to qualifying residents of any residential parking permit zone ("eligible residents") for use on each car owned and registered within that permit zone that displays a current city wheel tax license emblem. Such permits may be issued as part of the city wheel tax license emblem. The residential zone parking permit shall not guarantee or reserve any parking space; nor shall it exempt the holder from the observance of any traffic or parking regulation.

2) Residential zone parking permit - Issuance. Upon payment by the applicant of the permit fee hereinafter provided, the City Clerk shall issue, or cause to be issued, a residential zone parking permit. Such permits shall be issued only in conjunction with, and for the same term as, a valid city wheel tax license emblem. A residential zone parking permit shall be valid upon its issuance. The City Clerk is authorized to provide a grace period, not exceeding 30 days, during times of heavy volume of applications, for all eligible residents seeking to buy a residential zone parking permit. During any such grace period, the previously issued residential zone parking permit or one-day residential parking daily permit, as applicable, will continue to be valid.

3) Residential zone parking permit - Proper display - Required. If separate from the wheel tax license emblem, a residential zone parking permit shall be affixed, in accordance with the instructions printed thereon and without the use of supplemental adhesives, at the lower right hand corner of the inside of the glass portion of the motor vehicle's windshield, directly above the city wheel tax license emblem. Any person who violates this subsection (a)(3) shall be subject to the fine set forth in Section 9-100-020(c).

4) Residential zone parking permit - Fee. The fee for a residential zone parking permit shall be \$25.00 for each vehicle.

5) Residential zone parking permit - Replacement. A replacement residential zone parking permit shall be issued for \$5.00 if the current wheel tax license emblem is returned to the City Clerk and is accompanied by a receipt for the current residential zone parking permit. The replacement of any residential zone parking permit that is lost or destroyed will be made at hill cost.

6) Residential zone parking permit - Zone change fee. The zone change fee for a residential zone parking permit shall be \$5.00.

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7) Residential zone parking permit - Prorated fee schedule - Duration. The City Clerk is authorized to establish and administer a prorated fee schedule which shall apply to any eligible resident who purchases a residential zone parking permit for less or more than a year. The amount of the prorated fee shall be based on the number of months for which the wheel tax license emblem is issued.

8) Residential zone parking permit - Persons with disabilities. If a residential parking permit zone is in effect at the place of residence of a person with a disability who is an owner of a vehicle licensed to a handicapped individual, as the term "handicapped individual" is defined in Section 3-56-050(a), such person shall be exempt from the residential zone parking permit fee set forth in subsection (a)(4) of this section.

9) Residential zone parking permit - Vehicle specific permit - Unlawful display. It shall be unlawful for any person to affix, cause to be affixed, or otherwise display any residential zone parking permit, or other vehicle-specific permit issued pursuant to any other parking permit program, on any vehicle other than the vehicle for which the permit was intended for use at the time of its issuance by the city.

10) Temporary permits - Generally - Issuance. The City Clerk is authorized to issue temporary residential zone parking permits to persons holding a wheel tax license emblem under Chapter 3-56. Any such temporary residential zone parking permit shall be affixed to the motor vehicle in accordance with subsection (a)(3) of this section. Such temporary residential zone parking permit shall cease to be valid 30 days after its issuance, and may be issued as part of a temporary city wheel tax license emblem under Section 3-56-070.

(b) (1) Residential parking daily permits - Generally. Upon application, individual "one-day" residential parking daily permits shall also be issued to eligible residents for their use and for the use of non-residents who are temporary visitors of the residential parking permit zone.

(2) Residential parking daily permits - Issuance - Usage. The sale of residential parking daily permits in a residential parking permit zone shall be limited to 45 one-day permits per month per residential address. For the purpose of this subsection, each unit of a multiple-unit residential dwelling shall be considered as a separate residential address. Physical residential parking daily permits shall be color-coded by annual period and shall expire at the end of the annual period for which they are issued. Electronic residential parking daily permits shall expire one year from the date of purchase. Such permits shall be valid for one day only. The residential parking daily permit shall be validated either through an electronic application which will issue an electronic receipt and allow for a specific start date and time ("activation"), or by printing in indelible ink, legibly and directly on its face in the space provided for this purpose, the date and time of day a particular residential parking daily permit is in use. An undated, inactive or expired permit, or a permit that fails to indicate the time of day that the permit is in

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use, or a permit that otherwise fails to comply with the requirements of this subsection (b), shall be invalid.

3) Residential parking daily permits - Proper display - Required. A physical residential parking daily permit shall be affixed, in accordance with the instructions printed thereon and without the use of supplemental adhesives, at the lower right hand corner of the inside of the glass portion of the motor vehicle's windshield. Any person who violates this subsection (b)(3) shall be subject to the fine set forth in Section 9-100-020(c).

4) Residential parking daily permits - Home healthcare provider. Upon application, individual residential parking daily permits shall also be issued to a home health care provider who is providing home health care services to a resident living within the residential parking permit zone. Such daily permits shall be issued only upon submission of the following documents: (i) a letter from the resident's physician indicating the patient's name, address and prescribed home health care services; (ii) satisfactory proof of the resident's address; and (iii) certification from the

applicant that he/she is employed as a licensed home health care provider and is providing such services to the resident. Home health care providers shall be limited to the purchase of 45 residential parking daily permits per month per address where they provide services.

For purposes of this subsection (b)(3):

"Home health care provider" means a person primarily engaged in and licensed or certified to provide skilled nursing, social work services, or other therapeutic services to a person at his or her residence according to a plan of treatment for illness or infirmity prescribed by a physician or according to a plan to provide social work services prescribed by a licensed social worker or licensed clinical social worker.

"Home health care services" includes part-time and intermittent nursing services, social work services and other therapeutic services such as physical therapy, occupational therapy, speech therapy, medical social services, services provided by a home health care aide, and interpreters necessary for the administration of the prescribed care.

5) Residential parking daily permits - Fee. The fee for residential parking daily permits shall be \$8.00 for a sheet of 15 permits. Residential parking daily permits shall not be transferable, refundable or exchangeable.

(c) (1) Professional service parking permit - Generally. Upon application to the City Clerk and payment of the required fee, the City Clerk or the City Clerk's designee shall issue a professional service parking permit to any person who: (I) holds a current and active real estate broker license, real estate salesperson license or real estate leasing agent license issued by the State of Illinois; and (2) has no debt due and owing to the city, unless such debt has been satisfied or otherwise resolved within the meaning of Section 2-32-094. A professional service

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parking permit shall: (i) be issued for use only on the vehicle identified in the permit application; and (ii) enable the permittee to park the permitted vehicle within a residential parking permit zone only for business purposes within the scope of the relevant professional license or certification that is the basis for issuance of the permit. The City Clerk may issue a professional service parking permit for a term of up to 24 months. The application for such permit shall be accompanied by evidence, satisfactory to the City Clerk, that the applicant has no unsatisfied or unresolved debt due and owing to the city at the time of application. No more than one professional service parking permit shall be issued to any one person. A professional service parking permit shall not guarantee or reserve any parking space; nor shall it exempt the permittee from compliance with all applicable traffic and parking regulations.

2) Professional service parking permit - Proper display - Required. The professional service parking permit shall be affixed, in accordance with the instructions printed thereon and without the use of supplemental adhesives, at the lower right-hand corner of the inside of the glass portion of the motor vehicle's windshield and, when applicable, directly above the city wheel tax license emblem. Any person who violates this subsection (c)(2) shall be subject to the fine set forth in Section 9-100-020(c).

3) Professional service parking permit - Fee. The annual fee for a professional service parking permit shall be \$500.00 for a vehicle owned by a Chicago resident and \$800.00 for a vehicle owned by a non-resident of the city. Provided, however, that these fees shall be adjusted starting in 2018, and every two years thereafter, by applying the rate of inflation calculated based on the Consumer Price Index - Urban Wage Earners and Clerical Workers (Chicago All Items) published by the Bureau of Labor Statistics, as calculated by the Comptroller, communicated to the City Clerk by the Comptroller, and published by the City Clerk. Provided further, that the amount of any such adjustment shall be

capped at 105% of the fee being adjusted.

4) Professional service parking permit- Transfer. Whenever the holder of a professional service parking permit wishes to transfer the permit to a newly acquired vehicle, or desires to transfer the permit to another vehicle registered in the permit holder's name, such owner shall immediately make application to the City Clerk for a transfer of said professional service parking permit to the qualified newly acquired vehicle, or other qualified vehicle. Upon surrender of the original professional service parking permit or upon proof that the professional service parking permit has been destroyed, and upon compliance with all transfer requirements established by rule, the City Clerk or the City Clerk's designee shall transfer said permit to the qualifying newly acquired vehicle or other qualified vehicle upon payment of the proper fee. The City Clerk, or the City Clerk's designee, shall not transfer any professional service parking permit when the permit is defaced or mutilated so as to prevent identification of the permit. It shall be unlawful for any person to display a professional service parking permit on any vehicle other than the vehicle for which the permit was originally issued, without first transferring the

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permit to such other vehicle in the manner provided hereby and by rule. The transfer fee shall be \$20.00.

5) Professional service parking permit - When valid. A professional service parking permit shall only be issued for use on a vehicle classified as a "passenger automobile", a "larger passenger automobile", or a "small truck or other vehicle", as those terms are defined by the City Clerk in duly promulgated rules. Such permit shall be valid from the time of its issuance and display until the last day of the month indicated on the face of the permit, only when: (i) the permitted vehicle is being used for business purposes within the scope of the relevant professional license or certification that is the basis for the issuance of the permit, and (ii) between the hours of 9:00 A.M. and 9:00 P.M. At all other times, the permit shall have no force or effect. In addition, the permit shall have no force or effect when parking restrictions are in place within the following locations: (a) the Wrigley Field area pursuant to the permit parking program established by Sections 9-64-041, 9-68-022 and 9-68-023; (b) the Soldier Field area pursuant to the parking program established by Section 9-68-025; and (c) the Comiskey Park area pursuant to the parking program established by Section 9-68-026.

6) Professional service parking permit - Notice to the City Clerk required. It shall be the duty of the permittee to provide written notification to the City Clerk within 10 days of suspension, revocation, or expiration of the relevant professional license or certification that is the basis for issuance of the professional service parking permit. At the time of such suspension, revocation, or expiration, such permit shall cease to be valid and shall be removed by the permittee from the vehicle to which it is assigned. Notwithstanding subsection (c)(6) of this section, any person displaying a professional service parking permit after suspension, revocation, or expiration of the relevant professional license or certification that is the basis for issuance of such permit shall be fined not less than \$750.00 nor more than \$1,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

7) Professional service parking permit - Fine - Revocation. Any person displaying a professional service parking permit in a residential parking permit zone, for purposes unrelated to business within the scope of the relevant professional license or certification that is the basis for issuance of such permit, shall be fined in accordance with Section 9-64-090(d) and 9-64-090(e). If any person is found liable of two violations of this subsection, such person's professional service parking permit shall cease to be valid and shall be removed by the permittee from the vehicle to which it is assigned. Any person who fails to remove a professional service parking permit as required by this subsection shall be fined 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.

8) Sunset. This subsection (c) shall be repealed of its own accord, and shall have no force and effect, on and after December 31, 2017. Provided, however, that any

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professional service parking permit issued pursuant to this subsection (c) prior to December 31, 2017 shall be valid until the expiration date printed on the permit.

d) *[Reserved.]*

e) *[Reserved.]*

f) *[Reserved.]*

g) Unlawful Sale, Use, or Possession. It shall be unlawful for any person other than the City Clerk or an agent of the City Clerk to knowingly sell, offer for sale, expose for sale or acquire for the purpose of sale any residential zone parking permit, residential parking daily permit, professional service parking permit, or other permit issued pursuant to any other parking permit program. The first violation of this subsection (g) shall be punishable by the fine provided in subsection (j) if the second such violation shall be punishable by a fine of not less than \$500.00 nor more than \$750.00 for each offense; the third such violation shall be punishable by a fine of not less than \$750.00 nor more than \$1,000.00 for each offense, and the fourth and any subsequent such violation shall be punishable by a fine of not less than \$1,000.00 nor more than \$1,500.00 for each offense.

h) Unlawful Purchase. It shall be unlawful for any person to purchase any residential zone parking permit, residential parking daily permit, professional service parking permit, or other permit issued pursuant to any other parking permit program from any person other than the City Clerk or an agent of the City Clerk.

(i) *[Reset.]*

(j) Penalty for violation. Except as otherwise provided in this section, any person who violates this section shall be fined 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.

(k) Rules. The City Clerk is authorized to promulgate rules necessary or appropriate to implement this section. This section and any rules promulgated thereunder may be enforced by designated employees of the Office of the City Clerk or by members of the Police Department.

SECTION 7. Section 9-68-021 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the "language underscored, as follows:

**9-68-021 Sale of residential parking permits.**

(a) Service contracts. In addition to distributing residential zone parking permits and residential parking daily permits (for purposes of this section, "permits"), the City Clerk

Clerk may enter into contracts (for purposes of this section, "service contract") with no more than five entities to be selected by the ~~city clerk~~ City Clerk to sell permits in any calendar year (for purposes of this section, each such entity shall be known as a "contractor"). Contractors may sell such permits directly or through subcontractors to be selected by the contractors, subject to the approval of the ~~city clerk~~ City Clerk (for purposes of this section, each subcontractor shall be known as a "vendor").

The service contracts may contain such terms as the ~~city clerk~~ City Clerk deems necessary to effectuate the sale of permits, including, but not limited to, terms obligating the contractors to: (1) pick up the permits from the city, (2) transmit the permits to the locations where they will be sold by vendors, (3) verify that the purchasers of the permits have submitted complete and correct information, (4) develop software and other technology to enable efficient administration, sale and use of ~~residential parking zone~~ the permits, and (5) provide a detailed accounting of the transactions to enable the ~~city clerk's~~ City Clerk's office to verify that the services have been performed in accordance with legal requirements.

Any contractor or vendor shall derive its entire compensation by collecting a fee from purchasers of permits, which, for physical ~~one day~~ residential parking daily permits, shall not exceed \$1.00 per sheet of 15 permits; and for electronic one-day residential parking daily permits shall not exceed \$5.00 per sheet of 15 permits (for purposes of this section, "fee"); provided, however, no contractor or vendor shall charge any fee for selling annual residential zone parking permits. All proceeds from the sale of the permits by any contractor or vendor, but not including the fee, shall be deposited by the contractor or vendor into a city account, in a depository designated by the city council as an approved depository, no later than four business days after the contractor or vendor receives payment from the purchaser of the permit.

The ~~city clerk~~ City Clerk may enter into service contracts for the sale of residential zone parking permits in conjunction with service contracts for the sale of wheel tax license emblems.

b) Rules governing sale of residential parking permits. Any sale of permits by a contractor or vendor shall be conditioned upon: (i) verifying that the purchasers of the permits have submitted complete and correct information as required by the ~~city clerk~~ City Clerk; and (ii) receiving payment of the applicable permit fee set forth in Section 9-68-020 (d). A contractor or vendor shall conduct all sales of permits in accordance with Section 9-68-020 and any applicable rules promulgated by the ~~city clerk~~ City Clerk.

c) Rules ~~and regulations~~ and fine for violations. The ~~city clerk~~ City Clerk is authorized to adopt such rules ~~and regulations~~ as he the City Clerk may deem appropriate for the proper administration and enforcement of this section. Any contractor or vendor that violates ~~any of the provisions of~~ this section or any rules ~~or regulations~~ promulgated pursuant to this section shall be fined \$200.00 for the first offense and \$1,000.00 for any second or subsequent offense occurring within ~~a period of~~ one year of the first offense. Each such violation shall

constitute a separate and distinct offense. The fines provided in this subsection are in addition to any sanction or remedy available for the city under the service contract.

The provisions of this section and any rules ~~or regulations~~ promulgated thereunder may be enforced by designated

employees of the office of the ~~city clerk~~ City Clerk or by members of the police department.

SECTION 8. Section 9-80-140 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**9-80-140 Removal of parking permit or notice of violation.**

*(Omitted text is unaffected by this ordinance)*

(b) It shall be unlawful for any person to remove from any vehicle a residential zone parking permit or residential parking daily permit or professional service parking permit issued pursuant to Section 9-68-020 without first having obtained the consent of the owner.

*(Omitted text is unaffected by this ordinance)*

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

**9-100-020 Violation - Penalty.**

(Omitted text is unaffected by this ordinance) (c) The fines listed below shall be imposed

for violation of the following sections of

the traffic code:

<i>Traffic Code Section</i>	<i>Fine</i>
	<i>(Omitted text is unaffected by this ordinance)</i>
9-64-125(d)	\$30.00
<u>9-68-020(a)(3) ■</u>	<u>\$30.00</u>
<u>9-68-020(b)(3)</u>	<u>\$30.00</u>
<u>9-68-020(c)(2)</u>	<u>\$30.00</u>

*(Omitted text is unaffected by this ordinance)*

**ARTICLE IV. WATER MANAGEMENT**

SECTION 1. Section 2-106-040 of the Municipal Code of Chicago is hereby amended by deleting the language

stricken through and by inserting the language underscored, as follows:

**2-106-040 Commissioner - Power and duties.**

The commissioner of water management, ~~subject to the provisions of this Code, shall take special charge and superintendence of~~ have the following powers and duties:

- a) ~~The operation and maintenance of~~ To operate and maintain the waterworks of the city;
- b) ~~The extension, installation, repair or relocation of~~ To construct, extend, install, repair or relocate water pipes, ~~except~~ including those installations to be constructed by contract, permit or any other agreement with the city ~~or by the department of transportation or any other governmental entity:~~
- c) ~~The development of~~ To develop plans and proposals, and to encourage or conduct studies, investigations or research, including for joint cooperative ~~investigation~~ investigations and research with public and private agencies and organizations, related to the Chicago water and sewer systems, stormwater management or water quality, including methods for ~~eliminating or reducing~~ to eliminate or reduce water pollutions
- d) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities; or with private business and or civic and community groups to implement programs related to the Chicago water and sewer systems, storm water management or water quality ~~programs~~, including programs to eliminate or reduce water pollution, as the commissioner may deem ~~advisable and necessary~~ necessary or advisable^; and to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto^
- e) ~~The issuance of~~ To issue permits in connection with the waterworks system;
- f) ~~The operation and maintenance of~~ To operate and maintain all public sewers and works pertaining thereto and all sewerage permits and licenses;

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- (g) ~~The extension, installation, repair or relocation of~~ To construct, extend, install, repair or relocate sewer pipes;
- (h) ~~The planning~~ To plan, design, ~~construction or improvement of~~ construct or improve sewer and sewer works projects undertaken pursuant to contracts with the city;
- (i) ~~The making of~~ To make recommendations with respect to street grades to the city council from time to time as the requirements of the city and the public improvements being made therein may demand;
- (j) ~~The establishing of the~~ To establish city bench marks from and referring to city datum and after they have

been confirmed by the city council;

(k) ~~The making and keeping of~~ To make and keep a record of all street grades established by the city council;

(l) ~~The designation~~ To designate from among the corps of engineers in the department of an experienced engineer^ to be known as the bench engineer., whose duty it shall be to establish and record city standard bench monuments and their precise elevations; and

(m) ~~The adoption, promulgation, and enforcement of~~ To adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of ~~the provisions of this chapter and other provisions of this Code~~ administered by the department of water management, and to do any and all other acts which may be necessary or advisable for the implementation of the powers conferred on the commissioner and department under this Code; and

(n) . To negotiate and to enter into right-of-entry and easement agreements, including releases thereto, with public and private persons in connection with managing the Chicago water and sewer systems or stormwater management, and, in connection with any such agreements and any renewals thereto, to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of duly appropriated funds, as shall be necessary or advisable. Any such agreement may include provisions providing indemnification. The authority conferred in this subsection shall not include the ceding of governmental ownership of public way or the transfer of title to real estate.

SECTION 2. Section 11-12-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

11-12-130 Use of water hose.

Any hose which is connected to a pipe having service from or through the Chicago Waterworks System, shall be turned off and shall not be used: (1) for sprinkling on consecutive

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days between May 15 and September 15, inclusive, or (2) for sprinkling, washing windows, walks or other like purposes, except between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m. excluding Saturdays, Sundays and holidays (irrespective of whether the water is controlled by meter or not), ~~nor shall water be used through a hose~~ or (3) for the benefit of adjacent lots unless such lots have a common owner or tenant, and unless the hose is connected to a metered supply. Provided, however, that the prohibition against consecutive-day sprinkling set forth in item 0) of this section shall not apply to any newly seeded or newly sodded lawn during the 90-day period following such seeding or sodding.

Provided, ~~however~~ further, that the commissioner may, at his the commissioner's discretion, authorize the use of a hose or sprinkling at any hour on public parks, boulevards, and other public grounds if, in his the commissioner's judgment, such use of a hose or such sprinkling is not prejudicial to the water supply of contiguous premises.

*(Omitted text is unaffected by this ordinance)*

SECTION 3. Section 11-12-290 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**11-12-290 Temporary use of water from a hydrant.**

*(Omitted text is unaffected by this ordinance)*

When a fire hydrant is temporarily used to provide water for construction or for filling a truck, a street sweeper, a street sprinkler or a tanker, the amount charged for the water shall be \$83.78 per day. The person seeking temporary water use shall pay the pertinent amount in advance to the Department of Finance. When in the commissioner's judgment the anticipated use will exceed 1,000 cubic feet a day or continue for an extended period, he is authorized to evaluate the quantity of water to be used and assess an appropriate charge. The commissioner is authorized to waive the hydrant charge for work performed for, or on behalf of, the City.

SECTION 4. On December 2, 2009, the City Council passed an ordinance (Clerk's Tracking # 02009-6227, see. Journal of Proceedings for that date at pp. 78663, 78837) that repealed Sections 11-12-340, 11-12-440, 11-12-470, 11-12-530, 11-12-531 and 11-12-690 of the Municipal Code of Chicago (the "repealed sections"). Due to an administrative error, the repealed sections were not removed from some published compilations of the Municipal Code, and some of the repealed sections were later amended. The Department of Water Management has reviewed the repealed sections, determined that the repeal of Sections 11-12-530 and 11-12-531 was the result of a scrivener's error, and recommends that those sections remain in the Code, together with any amendments, because they continue to have utility. Accordingly, the 2009

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repeal of Section 11-12-340, 11-12-440, Section 11-12-470 and Section 11-12-690 is hereby reaffirmed, and Section 11-12-530 and Section 11-12-531 are hereby restored to the Municipal Code, together with any amendments to those sections applied after the repeal date. For the convenience of the reader and the Code publisher, the full text of the two restored sections is set forth underscored below:

**11-12-530 Certification of payment.**

Unless otherwise provided by law or rule, a full payment certificate is required in all transfers of real property whether such transfers are subject to or exempt from the real property transfer tax pursuant to Chapter 3-33 of this Code. In order to obtain a full payment certificate, an application with an application fee of \$50.00 shall be made to the comptroller. Provided, however, that if the property is exempt from the real property transfer tax, the full payment certificate application fee shall not be charged. If a full payment certificate was required and such certificate was not obtained when the real property was transferred, both the transferor and the transferee shall be jointly and severally liable for any outstanding water or sewer charges and penalties that have accrued to the water account.

**11-12-531 Certificate of payment - Condominiums and townhomes.**

L Before control of a property subject to the Illinois Condominium Property Act is transferred from the developer to the board of managers, a certificate of payment shall be obtained from the department upon application and payment of an application fee of fifty (50) dollars. Such certificate of payment shall be obtained within 30 days prior to

the election of the first unit owner board of managers. The terms used in this section shall have the same meanings as those in the Illinois Condominium Property Act.

2. Subsequent transfers of a unit within a condominium building shall require a certificate of payment based on the last regularly scheduled reading of that building's water meter and shall be issued subject to the same regulations contained in Section 11-12-520.

3. Where a townhome or condominium development has a single meter and the respective association's assessments include the individual owner's share of the water bill, the commissioner may issue a certificate of condo or townhome owner payment upon application and payment of an application fee of fifty (50) dollars.

SECTION 5. Section 11-12-420 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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**11-12-420 Payment of ~~nonmetered~~ charges.**

The water rates or charges as ~~herein or hereafter~~ established under this Code, ~~except where the water supply is controlled by meter,~~ shall be billed in such time periods as established by the comptroller, and shall be added to and separately recited on a unified statement of charges.

*(Omitted text is unaffected by this ordinance)*

SECTION 6. Chapter 18-29 of the Municipal Code of Chicago is hereby amended by inserting a new Section 18-29-401.5, underscored as follows:

**18-29-401.5 WaterSense labeled fixtures and irrigation controllers.**

No new or replacement plumbing fixtures or irrigation controllers on sprinkler systems shall be installed in any building unless such fixtures or controllers are WaterSense labeled, as specified by the United States Environmental Protection Agency.

SECTION 7. Section 18-29-605.3 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**18-29-605.3 Lead content of water supply pipe and fittings.**

Pipe The maximum ~~led~~ content of pipe and pipe fittings (including valves and faucets) utilized in the water supply system shall ~~have a maximum of 8 percent lead content~~ be governed by the federal Safe Drinking Water Act and

applicable U.S.E.P.A. regulations, as amended.

SECTION 8. Section 18-29-605.4.1 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**18-29-605.4.1 Materials for supply pipes and fittings.**

All new and replaced water supply pipes and fittings shall be of materials specified in Tables 18-29-605.4, 18-29-605.5 and 18-29-605.6, subject to the restrictions indicated in Column B of the table. Water supply pipe and fittings shall conform to the standards cited in Tables 18-29-605.4, 18-29-605.5 and 18-29-605.6 and to the lead content restrictions specified in Section 18-29-605.3. A-H-pipe and fittings exceeding 8 per-cent-lead-content are prohibited in the installation-repair or replacement of water supply pipes.

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**ARTICLE V. RETAIL TOBACCO**

SECTION 1. Section 4-64-240 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-64-240 Revocation of licenses.**

(a) If a person commits or has committed any combination of three or more violations within any 24-month period of Sections 3-42-020, 3-42-025, 3-42-060, 3-42-100, 4-64-132, 4-64-150, 4-64-180, 4-64-190, 4-64-191, 4-64-210, and 4-64-220, the commissioner shall revoke that person's licenses. For purposes of this section: (1) "licenses" includes any and all licenses issued by any officer, department, or agency of the City of Chicago required for retail or other business operations at the location at which the violations occurred, and includes, but is not limited to, retail tobacco licenses; (2) multiple violations offenses occurring on the same date shall be deemed a single violation while offenses occurring on separate dates shall be deemed separate violations; and (3) the term a "violation" means may include a finding of liability or a finding sustaining the offense or offenses charged in the same or in any contemporaneous proceeding or evidence of any previously resolved final disposition against the licensee on a charge brought pursuant to one of the Code provisions listed above, including, but not limited to, any finding of liability after adjudication on the merits, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge. A person subject to revocation pursuant to this subsection shall be entitled to the process described in Section 4-4-280, with the condition that any revocation hearing shall be limited to the issue of whether the licensee's record and the resolution of any pending charges in the same or contemporaneous proceedings, if applicable, accurately reflects reflect the existence of a sufficient number of violations to support the revocation decision; the licensee shall not be permitted to challenge the previously resolved violations themselves, nor any underlying facts asserted or determined therein.

*(Omitted text is not affected by this ordinance)*

SECTION 2. Section 4-64-245 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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**4-64-245 Nonrenewal of licenses.**

(a) If a retail tobacco licensee commits or has committed any combination of three or more violations within any 24-month period of Sections 3-42-020, 3-42-025, 3-42-060, 3-42-100, 4-64-132, 4-64-150, 4-64-180, 4-64-190, 4-64-191, 4-64-210, and 4-64-220, the licensee shall be subject to nonrenewal of the license. The commissioner may decline to renew such license, subject to the procedure described in subsection 4-64-245(b). For purposes of this section, multiple ~~violations~~ offenses occurring on the same date shall be deemed a single violation, while offenses occurring on separate dates shall be deemed separate violations, and the term "violation" means any final disposition against the licensee on a charge brought pursuant to one of the Code provisions listed above, including, but not limited to, any finding of liability after adjudication on the merits of the charge, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge.

*(Omitted text is unaffected by this ordinance)*

**ARTICLE VI. DIGGER**

SECTION 1. Section 2-14-130 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**2-14-130 Other provisions not limiting.**

*(Omitted text is unaffected by this ordinance)*

(c) Nothing in this chapter shall affect the jurisdiction of the Department of Business Affairs and Consumer Protection, the Chicago Commission on Human Relations, the zoning board of appeals, the human resources board, the board of ethics, the police board, the One-Call Adjudicatory Process established in Chapter 10-21. or the Commission on Chicago Landmarks.

SECTION 2. Section 2-102-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**2-102-030 Commissioner - Powers and duties.**

*The commissioner of transportation shall have the following powers and duties: (Omitted text is unaffected by this ordinance)*

(u) To administer Chapters 9-101<sub>2</sub> and 9-102, and 10-21 and serve ex officio as the director of the One-Call Adjudicatory Process established in Chapter 10-21.

*(Omitted text is unaffected by this ordinance)*

(w) To enter into: intergovernmental agreements transferring or otherwise allocating jurisdiction Over, and carrying out construction, maintenance and repairs to, public way and other public infrastructure; and (ii2) agreements with public utilities and railroads regarding construction, maintenance and repairs that impact their facilities upon or adjacent to public property; and, in connection with agreements entered into under this subsection, to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of duly appropriated funds, as shall be necessary or advisable in connection with the implementation of such agreements and any renewals thereto. Any such intergovernmental agreement may include provisions providing indemnification. The authority conferred in this subsection shall not include the ceding of governmental ownership of public way or the transfer of title to real estate.

*(Omitted text is unaffected by this ordinance)*

SECTION 3. Title 10 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 10-21, as follows:

**CHAPTER 10-21**  
**CHICAGO UNDERGROUND FACILITIES DAMAGE PREVENTION ORDINANCE**

**ARTICLE I. GENERAL**

**10-21-010 Title.**

This chapter shall be known and may be cited as the "Chicago Underground Facilities Damage Prevention Ordinance."

**10-21-020 Definitions.**

As used in this chapter:

"48 hours" means two business days, beginning at 8:00 a.m. and ending at 4:00 p.m., exclusive of Saturdays, Sundays, and the following holidays, as recognized by DIGGER: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas. Any locate request received after 4:00 p.m. on a business day will be processed as though it were received at 8:00 a.m. the next business day.

"Address" means the physical building address associated with an excavation or demolition. When a building address is not available, the term "address" means (1) the street segment address or range of addresses together with (2) a description of the relevant location.

"Approximate location" means a strip of land at least 36 inches wide, but not wider than the width of the underground facility plus 18 inches on either side of the facility.

"CDOT" means the Chicago Department of Transportation.

"Commissioner" means the Commissioner of CDOT.

"Damage" means the substantial weakening of structural or lateral support of an underground facility; the penetration or destruction of a protective coating, a housing, or another protective device of an underground facility; the partial or complete severance of an underground facility; or rendering any underground facility inaccessible.

"Demolition" means wrecking, razing, rending, moving, or removing of a structure by means of any power tool, power equipment (excluding transportation equipment), or explosives.

"DIGGER" means the 24-hour service network system established by the City of Chicago that provides a free, one-call service to persons engaged in excavation and demolition, and notifies persons who own and operate underground facilities of impending excavations and demolitions within the City's corporate limits.

"Emergency excavation or demolition" means an excavation or demolition necessary to prevent a condition that poses an imminent danger to life or health, to repair a utility service outage, to prevent significant property or environmental damage, or to repair an existing unstable condition which will likely result in any of these conditions.

"Excavation" means any operation in which earth, rock, or other material located in or on the ground is moved, removed, or otherwise displaced by means of any tools, power equipment or explosives. Excavation includes, but is not limited to, grading, trenching, digging, ditching, drilling, augering, boring, tunneling, scraping, cable or pipe plowing, saw cutting, and driving. Excavation does not include farm tillage operations; railroad right-of-way maintenance or operations; roadway surface milling; any coal mining operations regulated under the Federal Surface Mining Control and Reclamation Act of 1977 or any state law or rules or regulations adopted under the federal statute; or land surveying operations as defined in the Illinois Professional Land Surveyor Act of 1989 when not using power equipment.

"Locate request" means a notice initiated by a person engaged in an excavation or demolition, and made through DIGGER, asking the persons who own and operate underground facilities to mark their facilities at the planned excavation or demolition site.

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"Open cut utility locate" means a method of locating underground facilities that requires excavation by the person who owns or operates the underground facility.

"Residential property owner" means any individual that owns or leases real property that is used by such individual as his own residence or dwelling. Residential property owner does not include any person who owns or leases residential property for the purpose of holding or developing such property, or for any other business or commercial

purposes in the absence of a regular physical presence at that property. For example, an individual who lives in and owns or leases a single family home is a residential property owner as to that property. An individual who leases that same home to another individual is not a residential property owner as to that property. An individual who owns a multi-family dwelling is not a residential property owner as to that property.

"Roadway surface milling" means the removal of a uniform pavement section, not including the base or subbase, by rotomilling, grinding, or other means.

"Underground location service" means any entity that charges for the service of locating and marking underground facilities.

"Underground facility" means any item buried or placed below ground or submerged under water for use in connection with the storage or conveyance of water or sewage; or electronic, telephonic, or telegraphic communications; electricity; petroleum products; manufactured, mixed, or natural gas; synthetic or liquefied natural gas; propane gas; or other substances. The term "underground facilities" includes, but is not limited to, all operational underground pipes, sewers, tubing, conduits, cables, valves, lines, wires, manholes, and attachments. The term does not include any private septic system in a single- or multi-family dwelling utilized only for that dwelling and not connected to any other system.

#### **10-21-030 Powers of the Commissioner; Rules.**

a) The Commissioner may promulgate rules to implement compliance with federal and state statutes and regulations related to pipeline safety and this chapter, including, but not limited to, rules pertaining to investigation of potential violations of this chapter, the Evaluation Panel, the Administrative Law Officer, and the One-Call Adjudication Process.

b) The Commissioner shall have the authority to take such actions as may be necessary or appropriate to investigate violations of this chapter, issue Administrative Notices of Violation, and enforce this chapter. A violation of any rule promulgated pursuant to this Chapter 10-21 shall be deemed a violation of the applicable Code section.

## **ARTICLE II. DUTIES AND REQUIREMENTS**

#### **10-21-040 Membership in DIGGER.**

a) Every person that owns or operates an underground facility located in the City of Chicago must become a member of DIGGER by January 1, 2017. On or before that date, the person shall register with DIGGER on-line, providing such information as the Commissioner may require, which will include at least the person's name, and the name, title, address, telephone number, and email of the person's representative designated to receive the notice of intent to engage in excavation or demolition required by Section 10-21-050. Additional system requirements may be imposed by the Commissioner for proper interface with the DIGGER system. The person shall also provide a map of the underground facility in the electronic format required by CDOT rules.

b) If an underground facility becomes subject to this chapter on a date after January 1, 2017, or, if a person acquires an underground facility after January 1, 2017, the person who owns or operates that facility shall become a member of DIGGER and provide the information required under subsection 10-21-040(a) within 30 days after that date.

c) A person owning or operating an underground facility subject to this chapter shall report to DIGGER any changes in the information required under subsection 10-21-040(a) within 30 days after the change.

d) Property owners who own underground facilities solely by virtue of owning the property where the facilities are located are exempt from membership in DIGGER.

#### **10-21-050 Excavation and demolition requirements.**

(a) Every person who engages in non-emergency excavation or demolition shall:

1) Take reasonable steps to learn the location of any underground facilities in and near the area where the excavation or demolition will be conducted.

2) Plan the excavation or demolition in a manner designed to avoid or minimize interference with underground facilities by utilizing precautions including, but not limited to, hand or vacuum excavation methods, and visual inspection of the excavation while in progress until clear of the existing marked facility.

3) Outline the dig site.

4) Provide notice through DIGGER to the persons who own and operate the underground facilities in and near the excavation or demolition area, not less than 48 hours, but no more than 14 calendar days, in advance of the start of the excavation or demolition. At a minimum, this notice shall provide:

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A) the name, address, and phone number of the person engaging in excavation or demolition, and, if available, that person's e-mail address;

B) the start date and time of the planned excavation or demolition;

C) the address at which the excavation or demolition will take place; and

D) the type and extent of the work involved.

Upon providing this notice, the person undertaking the excavation or demolition will receive from DIGGER a dig number to be associated with any required permits. Each separate entity involved in an excavation or demolition shall acquire its own dig numbers; a dig number acquired by a primary contractor shall not cover work performed by a subcontractor.

5) Limit the excavation or demolition to the specific locations, dates, and times provided to DIGGER, and provide, during and following the excavation or demolition, such support for existing underground facilities in and near the excavation or demolition area as necessary for the protection of such facilities, unless otherwise approved by the persons who own or operate the underground facilities.

6) Backfill all excavations in such manner and with such materials as specified by the CDOT rules

for the protection of existing underground facilities in and near the excavation or demolition area.

7) Provide a follow-up notice through DIGGER to the persons who own or operate the underground facilities in and near the excavation or demolition area informing them that additional time to complete the excavation or demolition project is required if the excavation or demolition project will extend past 28 calendar days from the date of the original notice provided under subsection 10-21-050(a)(4), or, where applicable, upon expiration of the applicable public way permit, whichever is sooner. Upon providing this notice and extending any required permits, the person engaged in the excavation or demolition will receive from DIGGER a new dig number allowing an additional 28 calendar days to complete the project.

8) Exercise due care at all times to protect underground facilities. If, after proper notification through DIGGER and arrival at the site of the proposed excavation or demolition, the person engaged in the excavation or demolition observes clear evidence of the presence of an unmarked or incompletely marked underground facility in the area of the proposed excavation or demolition, the person engaged in the excavation or demolition shall cease the excavation or demolition until either the underground facility has been marked or two hours after an additional call is made to DIGGER, whichever is sooner. The person who owns or

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operates the underground facility shall respond within two hours after the person engaged in the excavation or demolition calls DIGGER.

(9) Provide an additional notice through DIGGER requesting re-marking of the areas where excavation or demolition is to continue when confounding factors, including, but not limited to, weather, construction activity, and vandalism at the excavation or demolition site, cause underground facility markings to become faded or indistinguishable. Persons who own or operate affected underground facilities shall respond to a notice to re-mark within the time provided by and otherwise according to this section.

(b) Notice and response for emergency excavation or emergency demolition.

1) Every person who engages in emergency excavation or emergency demolition shall take all reasonable precautions to avoid or minimize interference between the work and existing underground facilities in and near the excavation or demolition area, and shall notify through DIGGER, as far in advance as possible, the persons who own or operate such underground facilities. The emergency locate request required under this section shall include the information set out in subsection 10-21-050(a)(4). Upon providing this notice, the person undertaking the excavation or demolition will receive from DIGGER an emergency dig number.

2) Any person who owns or operates an underground facility in or near an emergency excavation or emergency demolition area shall either:

- A) advise the person performing the excavation or demolition that the underground facility is not affected; or
- B) mark the approximate location of the underground facility within 2 hours or the time specified by DIGGER, whichever is longer.

3) The advisement required under subsection 10-21-050(b)(2)(A) may be provided in person, by phone, phone message, or email. The person who owns or operates the underground facility shall be deemed to have discharged this notice obligation if the person attempts to provide notice by telephone, but is unable to do so because the person engaged in the emergency excavation or emergency demolition does not answer, and does not have an answering machine or answering service to receive the telephone call. If the person who owns or operates the underground facility attempts to provide notice by telephone but receives a busy signal, that attempt shall not discharge this notice obligation.

4) The reinstallation of traffic control devices shall constitute an emergency for purposes of this section.

5) An open cut underground facility locate shall constitute an emergency for purposes of this section.

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6) In no event may an emergency excavation or emergency demolition project continue for more than five days. If the person undertaking the project is aware from the outset that the project will take more than five days, he or she shall proceed under subsection 10-21-050(a). If, for unforeseen reasons, a project proceeding under this subsection 10-21-050(b) is not completed within five days, the person engaged in the excavation or demolition must cease work and acquire a non-emergency dig number through the process provided in subsection 10-21-050(a), as well as all necessary permits. To avoid the requirement to cease work, the person engaged in the excavation or demolition may acquire a non-emergency dig number at any time before the expiration of the five-day emergency project period.

7) It shall be a violation of this section to make an emergency locate request in the absence of an emergency.

(c) Nothing in this section prohibits the use of any method of excavation if conducted in a manner that would avoid interference with underground facilities.

#### **10-21-060 Facility marking requirements.**

a) Once DIGGER notifies an owner or operator of an underground facility of a planned excavation or demolition, the persons who own or operate underground facilities in or near the excavation or demolition area, or any underground location service retained for the task, shall retain a written or digital record of the notice, and shall mark, within 48 hours of receipt of the notice, or by the requested date and time indicated on the notice, whichever is later, the approximate location of such underground facility.

b) Persons who own and operate underground sewer facilities, or underground location services retained by such persons, shall respond and mark the approximate location of those underground sewer facilities when the person engaged in the excavation or demolition indicates in the notice required in subsection 10-21-050(a)(4) or 10-21-050(b)(1) that the excavation or demolition project will exceed a depth of seven feet. Persons who own and operate underground sewer facilities shall be required at all times to mark the approximate location of those sewer facilities when directional boring is the indicated type of excavation work being performed within the notice, or the excavation indicated will occur in the immediate proximity of known underground sewer facilities that are less than seven feet deep. A person who owns and operates underground sewer facilities shall not hold a person engaged in the excavation or demolition liable for damages that occur to sewer facilities that were not required to be marked under this section, provided that the person

responsible for the excavation or demolition operations that damage the sewer facility makes prompt notice of the damage to DIGGER and to the persons owning or operating the utility, as required in Section 10-21-080. The requirements of this subsection 10-21-060(b) shall not require property owners who own underground facilities solely by virtue of owning the property where the facilities are located to mark privately owned underground facilities on their property.

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c) If a person who owns or operates an underground facility receives a notice under this section but does not own or operate any underground facilities within the proposed excavation or demolition area described in the notice, that person, within 48 hours after receipt of the notice or by the requested date and time indicated on the notice, whichever is later, shall so notify the person who initiated the notice, unless that person expressly waives the right to be notified that no facilities are located within the excavation or demolition area. Waiver of notice is only permissible for nonemergency locate requests. The waiver must be made at the time of the notice to DIGGER. A waiver made under this subsection is not admissible as evidence in any criminal or civil action that may arise out of, or is in any way related to, the excavation or demolition that is the subject of the waiver. The notice required under this subsection may be provided in person, by phone or phone message, or by e-mail. The person who owns or operates an underground facility discharges the obligation to provide notice under this subsection if such person attempts to provide notice by telephone but is unable to do so because the person engaged in the excavation or demolition does not answer his telephone and does not have an answering machine or answering service to receive the telephone call. If the person who owns or operates an underground facility attempts to provide notice by telephone but receives a busy signal, or attempts to provide notice by e-mail but the e-mail is returned as undeliverable, that attempt shall not discharge the obligation to provide notice under this subsection.

d) For the purposes of this chapter, underground facility operators and underground location services may utilize a combination of flags, stakes, and paint when dig site and seasonal conditions warrant. If the approximate location of an underground facility is marked with flags, stakes, paint or other physical means, the following color coding shall be employed:

<b>Underground Facility</b>	<b>Identification Color</b>
Facility Owner or Agent Use Only	
Electric Power, Distribution and Transmission	Safety Red
Municipal Electric Systems	Safety Red
Gas Distribution and Transmission	High Visibility Safety Yellow
Oil Distribution and Transmission	High Visibility Safety Yellow
Steam Lines	High Visibility Safety Yellow
Telecommunications Systems	Safety Alert Orange
OEMC, Police, and Fire Communication Systems	Safety Alert Orange
Water Systems	Safety Precaution Blue
Sewer Systems	Safety Green



Non-potable Water and Slurry Lines

Excavator Use Only

Temporary Survey

Safety White (Black when snow is on the ground)

**10-21-070 Third-party violations.**

It shall constitute a violation of this chapter for any person who is neither an agent, employee, or authorized locating contractor of the person who owns or operates an underground facility, nor a person engaged in the excavation or demolition activity, to remove, alter, or otherwise damage markings, flags, or stakes used to mark the location of an underground facility.

**10-21-080 Damage to underground facilities.**

In the event of damage to any underground facilities in connection with any excavation or demolition, the person responsible for the excavation or demolition operations shall immediately notify the affected underground facility owner or operator and DIGGER, and cease excavation or demolition in the area of the damage if the damaged facility is a threat to life or property, or if otherwise required by law. The person responsible for the excavation or demolition shall not attempt to repair, clamp, or constrict the damaged underground facility unless under the supervision of the person who owns or operates the underground facility. The underground facility owner or operator may not require the person responsible for the excavation or demolition to attempt to repair, clamp, or constrict a damaged underground facility. In the event that damage to an underground facility results in the escape of any flammable, toxic, or corrosive gas or liquid, the person responsible for the excavation or demolition shall call 9-1-1 and notify authorities of the damage. The person who owns and operates underground facilities that are damaged and the person engaged in the excavation or demolition involved shall work in a cooperative and expeditious manner to repair the affected underground facility.

**10-21-090 Liability or financial responsibility.**

(a) Nothing in this chapter shall be deemed to create liability or financial responsibility of CDOT or its officers and employees concerning any underground facility located on the public way by issuance of any permit or license required under this Code. It is not the intent of this chapter to change any remedies in law regarding the duty of providing lateral support.

b) Neither DIGGER nor any of its officers, agents, or employees shall be liable for damages for injuries or death to persons or damage to property caused by acts or omissions in the receipt, recording, or transmission of locate requests or other information in the performance of its duties, unless the act or omission was the result of willful and wanton misconduct.

c) Any residential property owner who fails to comply with any provision of this chapter and damages underground facilities while engaging in excavation or demolition on such residential property shall not be subject to a penalty under this chapter, but shall be liable for the damage caused to the owner or operator of the damaged underground facilities.

**10-21-100 Limitation on liability.**

a) Under any membership agreement rules, the City's liability for the indemnification of the entity that is in charge of or managing DIGGER, or any officer, agent, or employee of that entity, or for a member of DIGGER or any officer, agent, or employee of a member of DIGGER, shall be limited to claims arising as a result of any negligent acts or omissions of the City or its officers, agents, or employees, or arising out of any negligent operation of the City's underground facilities.

b) Subsection 10-21-100(a) shall not be construed to create any additional liability for the City in relation to any member of DIGGER with which the City may have entered into a franchise agreement. If the City's liability for indemnification under a franchise agreement is narrower than under this section, the franchise agreement controls.

**10-21-110 Penalties.**

(a) Except for the City of Chicago, its departments, and its employees acting in their capacities as such, persons who violate this Chapter shall be subject to the following penalties:

1) A person who violates Section 10-21-040 shall be subject to a penalty of \$100. Each day that a person is required, but fails, to maintain membership in DIGGER constitutes a separate violation of that section.

2) A person who violates Section 10-21-050 shall be subject to a penalty of not less than \$1,000 nor more than \$5,000 for each separate offense. Any person who commits three or more such violations within any 12-month period shall be required to satisfy training requirements established by the Commissioner.

3) A person who owns or operates an underground facility or an underground location service who violates Section 10-21-060 shall be subject to a penalty of \$1,000 for each separate offense. No such person shall be subject to a penalty where a delay in marking or a failure to mark or properly mark the location of an underground facility is caused by conditions beyond the reasonable control of such owner or operator. Any person who commits three or

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more such violations within any 12-month period shall be required to satisfy training requirements established by the Commissioner.

4) A person who violates Section 10-21-070 shall be subject to a penalty of not less than \$1,000 nor more than \$5,000 for each separate offense.

5) A person who violates Section 10-21-080 shall be subject to a penalty of \$1,000 for each separate offense, and may be further sanctioned according to the following schedule:

A) For the first incident, the City may issue a formal warning to the responsible person.

- B) For the second incident, the City may order the responsible person to satisfy training requirements established by CDOT.
- C) For the third incident, the City may fine the responsible person up to \$1,500.
- D) For the fourth incident, the City may fine the responsible person up to \$3,000.
- E) For the fifth and each subsequent incident, the City may fine the responsible person up to \$3,500 for the fifth incident, and to increase the fine in increments of \$500 per additional incident, up to a maximum of \$10,000.

(b) Any training requirements ordered shall be completed within 60 days of the order. Failure to satisfy the training requirements within the required time period is a violation of this subsection and will result in a fine of \$50 per day for each day the violation continues. Proof of said training must be transmitted to the Commissioner within 30 days of the completion of the training. In the event that an individual fails to get the ordered training, the Commissioner may institute an administrative enforcement action against the individual.

#### **10-21-120 Emergency telephone system outages; reimbursement.**

Any person who negligently damages an underground facility causing an emergency telephone system outage must reimburse the public safety agency that provides personnel to answer calls or to maintain or operate an emergency telephone system during the outage for the agency's costs associated with answering calls or maintaining or operating the system during the outage.

#### **10-21-130 Chicago Underground Facilities Damage Prevention Fund.**

There is hereby created in the City budget a special fund to be known as the Chicago Underground Facilities Damage Prevention Fund. All fines collected pursuant to Section 10-21-110(a)(5) shall be deposited into this fund, and distributed as a grant to DIGGER, for use in safety and informational programs designed to reduce the number of incidents of damage to underground facilities in Chicago. The Commissioner shall have the authority to administer this fund, and shall provide an accounting to the Evaluation Panel on a biannual basis.

### **ARTICLE III. COMPLIANCE AND ENFORCEMENT**

#### **10-21-210 One-Call Adjudicatory Process.**

Compliance with this Chapter shall be enforced through the One-Call Adjudicatory Process as provided for in this Article.

The provisions of Division 2.1 of Article 1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1 et seq., are hereby adopted and incorporated into this chapter as if fully set forth herein.

### **10-21-220 Powers and duties of the Commissioner.**

The Commissioner of Transportation shall act ex officio as the Director of the One-Call Adjudicatory Process, and in his discretion may appoint a designee to carry out those powers and duties. The powers and duties of the Director shall include:

- a) directing the management and structure of the One-Call Adjudicatory Process;
- b) appointing and removing Administrative Law Officers, as necessary;
- c) promulgating rules for the conduct of administrative adjudication proceedings within the One-Call Adjudicatory Process;
- d) monitoring and supervising the work of the Evaluation Panel;
- e) issuing determinations as to liability after receipt and review of reports and recommendations from the Evaluation Panel;
- (I) issuing discipline to CDOT employees found liable for violations of this Chapter and issuing recommendations of discipline to the relevant department head whose employees are found liable for violations of this Chapter; and
- (g) establishing rules for the proper administration and enforcement of the One-Call Adjudicatory Process.

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### **10-21-230 Evaluation Panel.**

a) The Director shall establish an Evaluation Panel comprising the following eight members, appointed by the Director: one member representing DIGGER; one member representing CDOT; one member representing the City of Chicago Department of Water Management; one member representing a non-governmental pipeline owner and operator; two members representing other non-governmental underground facility owners and operators; and two members representing the Greater Chicago Damage Prevention Council. In the initial group of appointees, four shall serve three-year terms and four shall serve two-year terms. Each subsequent appointee shall be chosen by the Director with the advice of the Panel members, and shall serve a two-year term, unless dismissed by the Director for cause. The Director shall have the authority to fill any vacancy on the Panel for the unexpired portion of the vacating member's term. The City shall provide staff support and meeting space to the Evaluation Panel.

b) The Evaluation Panel shall consider all Administrative Notices of Violation issued under this Chapter, as well as any reports, position statements, and evidence transmitted with the Administrative Notice of Violation. For each Administrative Notice of Violation, the Evaluation Panel shall issue a recommendation with stated reasons advising whether the Director should find violations of this Chapter and impose penalties and sanctions on any of the relevant persons.

c) The members of the Evaluation Panel shall be immune, individually and jointly, from civil liability for any act or omission done or made in performance of their duties while serving as members of the Panel, unless the act or omission was the result of willful and wanton misconduct.

**10-21-240 Administrative Law Officers.**

a) Each Administrative Law Officer appointed by the Director shall be an attorney admitted to the practice of law in the State of Illinois for at least three years.

b) Prior to conducting any administrative adjudication proceeding, an Administrative Law Officer shall have successfully completed a formal training program, approved by the Director, which includes the following:

- 1) instruction on the rules of procedure of the administrative hearings which he will conduct;
- 2) orientation to each subject area of the code violations which he will adjudicate;
- 3) observation of administrative hearings; and

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(4) participation in hypothetical cases, including ruling on evidence and issuing final orders.

(c) An Administrative Law Officer shall hear all motions to review final decisions of the Commissioner. The Administrative Law Officer shall conduct a review hearing of the Administrative Notice of Violation. The Administrative Law Officer shall have all powers necessary to conduct fair and impartial hearings including, but not limited to, the power to:

- 1) hold conferences for the settlement or simplification of the issues;
- 2) administer oaths and affirmations;
- 3) hear testimony;
- 4) rule upon motions, objections, and the admissibility of evidence;
- 5) subject to the restrictions contained in Section 10-21 -300, at the request of any party or on the Administrative Law Officer's own motion, subpoena the attendance of relevant witnesses and the production of relevant books, records, or other information;
- 6) preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- 7) regulate the course of the hearing in accordance with this chapter, the rules adopted by One-Call Adjudicatory Process for the conduct of administrative hearings, or other applicable law;
- 8) issue a final order which includes findings of fact and conclusions of law; and
- 9) impose penalties and fines and issue orders that are consistent with applicable code provisions and assess costs upon finding a party liable for the charged violation; provided, however, that in no event shall the Administrative Law Officer have the authority to impose a fine in excess of

\$50,000 exclusive of costs of enforcement or costs imposed to secure compliance with this Code.

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**10-21-270 Inspection; Administrative Notice of Violation; Pre-payment.**

(a) The Commissioner shall empower one or more inspectors of CDOT to investigate work sites and claims of violations of this chapter. At an inspector's request, all parties shall cooperate and turn over to the inspector requested information such as, but not limited to, work sheets, photos, permits, reports, and make available relevant personnel to help in his

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investigation. All facts that parties wish to be considered by the Evaluation Panel shall be turned over to the inspector during his investigation.

b) When a potential violation of this Chapter is revealed by inspection or investigation, the Commissioner or inspector may issue an Administrative Notice of Violation to parties who may be in violation of this Chapter.

- 1) No action may be brought unless commenced within the 24-month period following the date of alleged violation.
- 2) The Administrative Notice of Violation shall be issued in compliance with the notice provision of Section 10-21-280(b).
- 3) Copies of all evidence the Commissioner plans on providing to the Evaluation Panel in support of the existence of violation shall be mailed with the Administrative Notice of Violation.

c) A person to whom an Administrative Notice of Violation has issued may, within 21 days of issuance, pay the indicated fine, if available. If the fine is not paid within that period, or if advance payment is not available, the Administrative Notice of Violation will go to the Evaluation Panel for review.

d) Within 30 days after an Administrative Notice of Violation has issued, the respondent may file a defense in the form of a position statement with the inspector for transmission to the Evaluation Panel. The position statement may include as exhibits all relevant briefs, affidavits, permits, photos, reports and worksheets.

**10-21-280 Notice.**

a) Before any administrative adjudication proceeding may be conducted under this Article, the parties shall be afforded notice in compliance with this section.

b) A CDOT inspector shall notify potential respondents that he has begun an investigation, the subject matter of his investigation, and their responsibilities to preserve and produce evidence in relation to that investigation.

c) The issuer of an Administrative Notice of Violation shall specify on the notice his name and badge number; where known, the name and address of the person charged with the violation; the date and place of the violation; and the section of the Code or rule which was allegedly violated; and shall certify the correctness of the specified information by signing his name to the notice. The notice shall indicate whether the matter may be prepaid. The notice shall inform the respondent of what may be submitted to CDOT prior to the review of the Administrative Notice of Violation by the Evaluation Panel.

d) A respondent who timely requests a review of a Commissioner's decision shall be provided with a Notice of Hearing prior to the hearing before the Administrative Law Officer. A Notice of Hearing shall include the date, time, and location of the hearing and the penalties for failure to appear at the hearing before the Administrative Law Officer. A Notice of Hearing shall be served upon the alleged violator no less than seven calendar days prior to the date of the hearing:

- 1) by first class or express mail or by overnight carrier at the address on record with DIGGER;  
or
- 2) if the location of the alleged violation is within the scope of a permit, then the address on the permit issued for work at that location; or
- 3) to the alleged violator's residence address or, if the alleged violator is a business entity, at any address identified for its registered agent or at its place of business; or
- 4) by personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice.

e) In all non-emergency situations, if requested by the respondent, the respondent shall have at least 15 days after the date of mailing or other service of a Notice of Hearing to prepare for a hearing. For purposes of this section, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety or welfare.

#### **10-21-290 Recommendation, decision, and request for review.**

a) The Evaluation Panel shall consider all Administrative Notices of Violation brought before it. It shall also consider any evidence in support of the Administrative Notice of Violation provided by the inspector including, but not limited to, reports, permits, photos, work sheets, affidavits, and statements in support of positions. When at all possible, all Administrative Notices of Violation which regard a worksite shall be considered together to avoid piecemeal adjudication. Any panel member whose company or department is cited shall remove himself from consideration of that citation. After consideration of the evidence, the Evaluation Panel shall decide whether liability should be assessed, and, if so, determine an appropriate sanction, all of which it shall recommend to the Commissioner.

b) Within 30 days of receipt of the Evaluation Panel's recommendation, the Commissioner shall review the Evaluation Panel's recommendation and the record and determine whether to issue a finding of liability and, in the case of a finding of liability, what sanctions to impose. The Commissioner shall issue a final decision accepting, rejecting, or

otherwise modifying the Evaluation Panel's findings and recommendations. The Commissioner shall provide the respondent notice of the decision, as well as notice of the right to request review of the decision by filing with the

Commissioner a written request for review within 30 days of issuance of the notice.

1) If no request for review is made within this time, any fine, other sanction or costs imposed by the Commissioner's order that remain unpaid shall be a debt due and owing the city for purposes of Section 1-20-090 and, as such, may be collected in accordance with applicable law. Unless stayed by a court of competent jurisdiction, the findings, decision and order of the Commissioner may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

2) If the person files a timely request for review, and

- A) the person is not the City, one of its departments, or an employee of the City, then the Commissioner shall convene a review hearing.
- B) the person is the City, one of its departments, or an employee of the City, then the Commissioner shall transmit to the head of the relevant City department a copy of the Administrative Notice of Violation and the determination of liability, and request disciplinary action. The appropriate commissioner shall provide a response describing any such action taken. This response shall be provided to the Commissioner within 30 days after receipt of the disciplinary recommendation. The Commissioner shall retain on file a copy of each notice transmitted pursuant to this subsection, as well as each corresponding response. Any appeal from a finding of liability to an employee shall in accordance with any applicable collective bargaining agreement. Review by the Administrative Law Officer is not available for represented employees.

### 10-21-300 Subpoenas.

a) The Administrative Law Officer may issue a subpoena only if it determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is:

- 1) relevant to the case; and
- 2) relates to a contested issue in the case.

b) A subpoena issued under this Chapter shall identify:

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the person to whom it is directed;

- 2) the documents or other items sought by the subpoena, if any;
- 3) the date for the appearance of the witnesses and the production of the documents or other items described in the subpoena;
- 4) the time for the appearance of the witnesses and the production of the documents or other items described in the subpoena; and
- 5) the place for the appearance of the witnesses and the production of the documents or other items



described in the subpoena.

(c) In no event shall the date identified for the appearance of the witnesses or the production of the documents or other items be less than seven days after service of the subpoena.

#### **10-21-310 Review hearings.**

a) When a respondent timely requests a review of a decision by the Commissioner, it shall receive a hearing consistent with this Chapter.'

b) An attorney who appears on behalf of any person shall file with the Administrative Law Officer a written appearance on a form provided by the One-Call Adjudicatory Process for such purpose.

c) The Administrative Law Officer may grant continuances only upon a finding of good cause.

d) All testimony shall be given under oath or affirmation.

e) No new documents may be introduced before the Administrative Law Officer which were available to the parties prior to review of the Evaluation Panel.

f) The Administrative Law Officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. Issuance of subpoenas shall be subject to Section 10-21-300.

g) Subject to subsection (i) of this section, the Administrative Law Officer may permit witnesses to submit their testimony by affidavit or by telephone.

h) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(i) *The Administrative Law Officer shall give deference to the Evaluation Panel's*

*findings of fact and the Commissioner's decision. The Administrative Law Officer shall take de*

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novo consideration as to the weight of the testimony and credibility of the witnesses. The party who seeks review of the Commissioner's decision has the burden to establish that the decision was clear error, meaning that the panel must be firmly convinced that a mistake was made in the Commissioner's decision.

(j) Upon the timely request of any party to the proceeding, any person, who the Administrative Law Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

(k) Upon conclusion of a hearing, the Administrative Law Officer shall issue a final determination affirming or reversing, in whole or in part, the Commissioner's decision. Upon issuing a final determination of liability the Administrative Law Officer may modify the Commissioner's decision accordingly, provided that the Administrative Law Officer's decision is consistent with this Chapter 10-21. It may also assess costs reasonably related to instituting the

administrative adjudication proceeding; provided, however, that in no event shall the Administrative Law Officer have the authority to impose a fine in excess of \$50,000.00 exclusive of costs of enforcement or costs imposed to secure compliance with this Code.

- (1) The record of all hearings before the Administrative Law Officer shall include:
  - 1) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means;
  - 2) all documents presented at the hearing;
  - 3) a copy of the administrative notice of violation;
  - 4) a copy of the Evaluation Panel's findings of fact and recommendation;
  - 5) a copy of the Commissioner's decision;
  - 6) a copy of the notice of hearing; and
  - (7) **a copy of the findings and decision of the Administrative Law Officer.**

**10-21-320 Default.**

(a) If at the time set for a hearing the respondent or his attorney of record fails to appear, the Administrative Law Officer may find the respondent in default, terminate the proceedings, and revert to the decision of the Commissioner. A copy of the order of default shall be served in any manner permitted by Section 10-21-280(c).

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(b) A respondent who is found to be in default may petition the Administrative Law Officer to set aside the order of default and set a new hearing date in accordance with Section 10-21-330.

**10-21-330 Petition to vacate default order.**

The Administrative Law Officer may vacate any order entered by default and set a new hearing date upon a petition filed within 21 days after the issuance of the order of default if the Administrative Law Officer determines that the petitioner's failure to appear at the hearing was for good cause or, at any time if the petitioner establishes that the petitioner was not provided with proper service of process. If the petition is granted, the order shall be vacated and the Administrative Law Officer shall proceed with a new hearing on the underlying matter as soon as practical.

**10-21-340 Violations of orders.**

- a) A person violates this section if he:
  - 1) is provided with notice and an opportunity to be heard under this Code; and

- 2) knowingly fails to comply with an order issued by the Commissioner or the Administrative Law Officer under this Chapter, including any requirement of a subpoena.

Each day that the violation occurs shall be considered a separate and distinct offense.

- b) It is not a defense to this section that a person:

- 1) came into compliance or attempted to come into compliance with the order after the date upon which the order, by its terms, required compliance; or
- 2) sought judicial review of the order but failed to obtain a stay of the order prior to the date upon which the order, by its terms, required compliance.

- c) Sentence. A person convicted under this section shall be punished by:

- 1) a fine of not less than \$200.00 and not more than \$500.00 for each offense;
- 2) incarceration for not more than 180 days for each offense; and/or
- 3) an order to perform community service for a period not to exceed 200 hours for each offense.

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- (d) The corporation counsel shall institute actions under this section in a court of competent jurisdiction.

#### **10-21-350 Review under the Administrative Review Law.**

Any final decision by the Administrative Law Officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law.

#### **10-21-360 Enforcement.**

- a) Any fine, other sanction or costs imposed by order of the One-Call Adjudicatory Process that remains unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures shall be a debt due and owing the City and, as such, may be collected in accordance with applicable law.
- b) After the expiration of the period in which judicial review may be sought, unless stayed by a court of competent jurisdiction, the findings, decision and order of the One-Call Adjudicatory Process may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- c) In any case in which a respondent fails to comply with an order of the One-Call Adjudicatory Process imposing a fine or other sanction as a result of a code violation, any expenses incurred by the City to enforce the order of the One-Call Adjudicatory Process, including but not limited to, attorney's fees, court costs, and costs, after they are fixed by a court of competent jurisdiction or an Administrative Law Officer shall be a debt due and owing the city. The matter may be enforced in the Department of Administrative Hearings under Section 2-14-103.
- d) Nothing in this section shall prevent the City from enforcing or seeking to enforce any order of the One-

Call Adjudicatory Process in any manner which is in accordance with applicable law.

**10-21-370 Interest.**

Except as otherwise provided by law, interest on any debt due and owing shall accrue at the rate set for interest upon judgments.

**10-21-380 Fines payable to the Department of Finance.**

All fines and other monies paid to the City in accordance with this Chapter shall be remitted to the Department of Finance.

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**ARTICLE VII. PHARMACEUTICAL REPRESENTATIVES**

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended 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~~ Commissioner of Business Affairs and Consumer Protection.

(Omitted text is unaffected by this ordinance)

(36) Pharmaceutical representative per year \$750.00

SECTION 2. Section 4-6-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-6-010 Regulated business license.**

*(Omitted text is unaffected by this ordinance)*

(c) Business activities requiring a regulated business license under this chapter shall include the following: (1) health club; (2) clothing alteration; (3) laundry service; (4) residential real estate developer; (5) tattooing, body piercing or tanning facility; (6) day labor agency; (7) adult family care center; (8) assisted living establishment; (9) long-term care facility; (10) adult family care home; (11) automatic amusement operator; (12) private scavenger; (13) secondhand dealer in children's clothing and children's products only; (14) junk peddler; (15) debt collectors; (16) hospital; (17) hotel; (18)

board-up company; (19) dry cleaner; (20) hazardous materials; (21) single-room occupancy buildings; (22) booting of motor vehicles; (23) immigration assistance; (24) expediter company; (25) expediter/natural person; (26) home occupation; (27) home repair; (28) bed-and-breakfast establishment; and (29) vacation rentals: and (30) pharmaceutical representative.

SECTION 3. Chapter 4-6 of the Municipal Code of Chicago is hereby amended by inserting, in correct numerical order, a new Article XXXI, as follows:

### **ARTICLE XXXI. PHARMACEUTICAL REPRESENTATIVES**

#### **4-6-310 Pharmaceutical Representatives.**

- a) Definitions. For the purposes of this section, the following terms will have the following meanings:

"Health care professional" shall mean any physician or other health care practitioner who is licensed to provide health care services or to prescribe pharmaceutical or biologic products.

"Pharmaceutical" means a medication that may legally be dispensed only with a valid prescription from a health care professional.

"Pharmaceutical representative" means a person who markets or promotes pharmaceuticals to health care professionals.

- b) *License - Required.*

1) No person shall conduct business as a pharmaceutical representative without first having obtained a pharmaceutical representative license unless the pharmaceutical representative conducts business in the City of Chicago as a pharmaceutical representative for fewer than fifteen days per calendar year.

2) In order to become initially licensed, a pharmaceutical representative shall complete a professional education course as determined by the Commissioner of Public Health prior to application for the license and affirm that this training was completed on the application for the license.

3) To maintain a license, a pharmaceutical representative must complete minimum continuing education in accordance with subsection (f).

c) *License - Nontransferability.* No transfer of ownership shall be allowed on any license issued under this section.

d) *License - Application.* An application for a pharmaceutical representative license shall be made to the Commissioner of Business Affairs and Consumer Protection on a form accessible at the Department's website, and shall include the following:

1) the applicant's full name, residence address, residence telephone number, business address and business telephone number;

- 2) a description of the type of work in which the applicant will engage;

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- (3) the license fee;
- 4) an affirmation of professional education:
  - A) in the case of an initial license, affirm that the applicant has completed a professional education course in compliance with subsection (f); or
  - B) in the case of a renewal, affirm that the applicant has completed at least five hours of continuing professional education in the previous year in compliance with subsection (f);
- 5) proof that the applicant has paid any assessed penalties and fees; and
- 6) any other information that the commissioner may reasonably require.

Any changes made to the information submitted on the application or any material changes made to the licensee's personal or businesses operations or to any information provided under this section must be reported, in writing, to the Commissioner within four business days of the change.

- e) License - Fee. The fee for a pharmaceutical representative license shall be as set forth in Section 4-5-010.
- f) *Professional education.*

- 1) The Commissioner of Public Health shall establish by rule continuing-education requirements as a condition for an initial or a renewal pharmaceutical representative license. All pharmaceutical representatives shall complete a minimum of five hours of continuing professional education prior to renewing their license. The continuing professional education may include training in the areas of ethics, pharmacology, laws and regulations applicable to pharmaceutical marketing, and other areas that the Commissioner of Public Health may designate by rule.

- 2) Upon request, pharmaceutical representatives shall provide proof of completion of the continuing professional education requirements to the Commissioner of Public Health or his designee.

- 3) The Commissioner of Public Health may designate and publish a list of institutions that provide courses that meet the continuing-education requirements. The Commissioner may also designate the courses that satisfy the continuing education requirements. A professional education provider may not be a pharmaceutical representative's employer.

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- g) *Disclosure.*

1) Upon request, or at time intervals that the Commissioner of Public Health prescribes by rule, pharmaceutical representatives shall provide the following information to the Commissioner of Public Health or his designee: a list of health care professionals within the City of Chicago contacted; the number of times the health care professionals were contacted; the location and duration of contact; the pharmaceuticals promoted; whether product samples, materials, or gifts of any value were provided to the health care professional and the value of the products, materials, or gifts; and whether and how the health care professional was compensated for contact with the pharmaceutical representative. The time interval covered shall be no greater than the period between license renewals.

2) A model disclosure form may be issued to facilitate compliance with the disclosure requirements of this section.

h) Ethical standards. The Commissioner of Public Health or his designee shall produce a list of ethical standards for pharmaceutical representatives that shall be incorporated into the rules and published on the City's website. In addition to those rules, a pharmaceutical representative shall not:

- 1) Engage in any deceptive or misleading marketing of a pharmaceutical product, including the knowing concealment, suppression, omission, misleading representation, or misstatement of any material fact;
- 2) Use a title or designation that could reasonably lead a licensed health professional, or an employee or representative of a licensed health professional, to believe that the pharmaceutical detailer is licensed to practice medicine, nursing, dentistry, optometry, pharmacy, or other similar health occupation, in the City of Chicago, unless the pharmaceutical detailer currently holds such a license; or

(3) Attend patient examinations without the consent of the patient.

(i) Rules. The Commissioners of Public Health and Business Affairs and Consumer

Protection shall have the authority to promulgate rules necessary to implement their respective powers and duties under this Article.

(j) License - Suspension and revocation. A violation of this section may result in license suspension or revocation in accordance with Section 4-4-280 of this Code. No license suspended or revoked pursuant to this section shall be reinstated until all code violations related to the suspension or revocation have been remedied and all assessed penalties and fees have been paid. No person whose pharmaceutical license under this chapter is revoked for any cause shall be granted a license under this section for a period of two years from the date of revocation.

(k) Violation - Penalty. Any person violating any of the provisions of this chapter shall be fined not less than \$1,000.00 nor more than \$3,000.00 for each offense. Every day such violation continues shall constitute a separate and distinct offense.

## ARTICLE VIII. MISCELLANEOUS

SECTION 1. Section 1-4-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

### **1-4-100 Interpretation of language.**

*(Omitted text is unaffected by this ordinance)*

Headings provided in the various sections of this Code are for convenience and reference only and should not be considered part of the text of any section.

References in this Code to wards by number, without an accompanying boundary or other geographic description, shall be deemed to refer to the geographic configuration of the referenced ward at the time the ordinance containing that ward reference was enacted into law.

SECTION 2. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

### **2-14-132 Impoundment.**

*(Omitted text unaffected by this ordinance)*

£1) Any vehicle impounded by the City or its designee shall be subject to a possessory lien in favor of the City in the amount required to obtain release of the vehicle.

SECTION 3. Section 2-51-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **2-51-050 Commissioner of fleet and facility management - Powers and duties.**

The commissioner of fleet and facility management shall have the following duties and responsibilities:

*(Omitted text is unaffected by this ordinance)*

1. Subject to the approval of the corporation counsel as to form and legality and except as otherwise provided in this subsection, to negotiate and execute on behalf of the city any lease, right-of-entry agreement or other document evidencing an agreement for the use and occupancy of real property for a term not to exceed 30 days. Such initial agreement may be extended, renewed or continued for up to an additional 60 150 days. Provided, however, that no extension, renewal or continuation of such initial agreement shall extend beyond a totality of 90 180 days, unless: (1) the agreement is referred to the Chicago City Council for review and full disclosure as to all parties, particulars, events and justifications meriting such extension, renewal or continuation; and (2) the Chicago City Council approves an extension, renewal or continuation of such agreement beyond a totality of 90 180 days. Provided, however, that the power of the



commissioner to negotiate and execute on behalf of the city any lease, right-of-entry agreement or other agreement for the use and occupancy of real property within the Chicago Riverwalk, including concession agreements for food, beverages, goods and services within the Chicago Riverwalk, shall be governed by Section 10-36-145;

*(Omitted text is unaffected by this ordinance)*

kk. To participate or otherwise engage in the city's emergency preparedness and emergency response activities; and

If To establish and administer a City-wide Environmental, Health and Safety Compliance Program (the "Program") for all City employees except sworn members of the Police and Fire Departments. All included employees and their department heads shall cooperate with the Commissioner in implementing and participating in the Program. The Program's objectives are to: (i) reduce hazards and risks for employees and the public with whom they interface, (ii) ensure compliance with OSHA and EPA reporting requirements, (iii) create efficiencies in implementing the Program across City departments with standardized programs and training, (iv) improve employee productivity and morale, (v) establish a documented risk management program, (vi) improve, accelerate and expand incident reporting, and (vii) reduce the number of incidents that result in employee lost time; and

mm. To do any and all other acts which may be necessary for the implementation of other powers conferred on the commissioner and the department under this chapter.

SECTION 4. Section 2-112-240 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **2-112-240 Clinical health services agreements.**

The commissioner of health is authorized to negotiate and execute agreements with hospitals, community health centers and other health care providers for the provision of ~~certified nurse-midwifery and pulmonary~~ clinical services within department health centers and clinics, such agreements to contain such terms and conditions as the commissioner deems necessary. The commissioner is authorized to perform any and all acts, including the expenditure of funds

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subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto, and including provisions providing indemnification.

~~This section shall be repealed on January 1, 2017. Such repeal shall not affect the validity of agreements entered into and other actions undertaken pursuant to this section prior to such repeal.~~

SECTION 5. Section 4-4-280 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **4-4-280 License revocation.**

*(Omitted text is unaffected by this ordinance)*

(b) For purposes of this chapter Title 4 or any rule and regulation promulgated thereunder under any chapter of

this Title 4: If the term "shall" is used in connection with any time frame for completion by the mayor or commissioner of any required process, such term shall be construed as merely directory rather than mandatory, and the mayor's or commissioner's failure to complete such required process within the stipulated time frame shall not result in any loss of jurisdiction by the mayor or commissioner.

(b)(c) In the event the mayor designates a local liquor control commissioner, said local liquor control commissioner shall exercise the power of the mayor set forth in ~~subsection~~ subsections (a) and (b) of this section with respect to liquor licenses.

SECTION 6. Section 4-17-010 of the Municipal Code of Chicago is hereby amended by inserting, in correct alphabetical order, the language underscored, as follows:

**4-17-010 Definitions.**

As used in this chapter:

*(Omitted text is unaffected by this ordinance)*

"Legal voter" means a person: (1) who is duly registered to vote in the City of Chicago; and (2) whose name appears on a poll list compiled by the Chicago Board of Election Commissioners since the last preceding election, regardless of whether the election was a primary, general or special election; and (3) who, at the relevant time, is a resident of the address in Chicago at which he or she is registered to vote; and (4) whose address, at the relevant time, is located in the precinct where such person seeks to circulate or to sign a petition, within the

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meaning of Section 4-17-020, for an ordinance establishing that precinct as a restricted residential zone. As used in this definition, the term "relevant time" means at any time that: (i) a notice of intent is filed, pursuant to Section 4-17-030, to initiate the petition process under this Chapter 4-17, or (ii) the petition is circulated for signature in the applicable precinct; or (iii) the petition is signed by registered voters in the applicable precinct.

*(Omitted text is unaffected by this ordinance)*

"Primary residence" means a dwelling unit: (1) that is occupied by its owner on a daily basis at least 245 days in the applicable calendar year; and (2) for which the owner has claimed a Cook County homeowner exemption has the meaning ascribed to that term in Section 4-14-010.

*(Omitted text is unaffected by this ordinance)*

SECTION 7. Section 4-60-025 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

**4-60-025 Restrictions on additional late hour licenses.**

Subject to the provisions of Section 4-60-021, except for subsections 4-60-021(c)(1), (c)(2) and (c)(3), no

additional late-hour license shall be issued for the sale of alcoholic liquor, for consumption on the premises, within the following areas of the city, designated as wards and bounded as provided in Article TTI of Chapter 2-8 of the Code, as amended: 19, 32, 42, 43, 44, 47 and 50.

SECTION 8. Section 7-28-785 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-28-785 Collection bins.**

*(Omitted text is not affected by this ordinance)*

(g) As a condition of the permit, it shall be the duty of the permit holder to:

*(Omitted text is not affected by this ordinance)*

(6) maintain a website which lists the address and ward of each collection bin installed or maintained by the operator, and a map indicating the locations of such collection bins within the city. The website shall be updated weekly and be accessible to the public.<sup>7</sup>

*(Omitted text is not affected by this ordinance)*

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(i) A collection bin: (i) that is in poor condition or in a state of disrepair; (ii) which clothes or other donated items are permitted to accumulate outside of the collection bin; or (iii) containing items as a result of a failure to empty the bin pursuant to a scheduled removal, is hereby declared to be a public nuisance.

*(Omitted text is not affected by this ordinance)*

(2) Non-emergency abatement. If the commissioner of business affairs and consumer protection or the commissioner of streets and sanitation determines that any activity in violation of this section has not created, or is not creating, an imminent and substantial threat to the public's health, safety or welfare, such commissioner shall ~~provide the property owner with~~ post on the collection bin written notice to abate the nuisance in the manner prescribed by such commissioner within ~~three days~~ thirty-six hours from receipt of posting the notice. Such commissioner may also attempt to notify the local contact person to abate said nuisance. If any person fails to abate such nuisance in accordance with such commissioner's notice to abate, or if the property owner is unknown or cannot with due diligence be found, such commissioner may proceed to control, remove, dispose or otherwise abate the nuisance.

*(Omitted text is not affected by this ordinance)*

(q) It shall be the duty of every owner of any lot on which is located a collection bin to ensure that such collection bin has a valid permit and is in compliance with this section. Any collection bin installed or maintained in violation of this section shall be removed by the operator or the owner of the lot on which the collection bin is located. The owner and operator shall be jointly and severally liable for any violation of this section<sup>^</sup>

SECTION 9. Section 9-76-160 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-76-160 Registration plates.**

(a) Every vehicle in the City subject to the registration plates requirements of the Illinois Vehicle Code shall bear registration plates in the manner required by that Code. It is illegal to park a vehicle on any roadway if the registration plate or other registration material fails to comply with this subsection. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense. Specific requirements for covered vehicles are set forth below:

(JQ Registration plates issued for a motor vehicle other than a motorcycle, trailer, semi-trailer or truck- tractor shall be attached to the front and rear of the vehicle. ~~If it is illegal to park a vehicle on any roadway if the registration plate or other registration material fails to comply with this subsection. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense.~~

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~~amount set forth in Section 9-100-020 for each offense.~~

(h) (2) The registration plate issued for a motorcycle, trailer or semi-trailer shall be attached to the rear thereof. ~~It is illegal to park a vehicle on any roadway if the registration plate or other registration material fails to comply with this subsection. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense.~~

(e) (3) The registration plate issued for a truck-tractor shall be attached to the front thereof. ~~It is illegal to park a vehicle on any roadway if the registration plate or other registration material fails to comply with this subsection. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense.~~

d) (4) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible. No registration plate shall be covered by any tinted or colored screen. ~~It is illegal to park a vehicle on any roadway if the registration plate or other registration material fails to comply with this subsection. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense.~~

e) ~~[Reserved.]~~

(b) Every registration plate, temporary permit or evidence of temporary registration must bear evidence of proper registration for the current period and be clearly displayed. If the vehicle is subject to registration in the State of Illinois, evidence of registration must be displayed in the manner required by the ~~secretary of state~~ Secretary of State. ~~It is illegal to park a vehicle on any roadway if the registration plate or other registration material fails to comply with this subsection. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense.~~

SECTION 10. Section 9-92-080 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**9-92-080 Release procedure for impounded vehicles.**

*(Omitted text unaffected by this ordinance)*

(f) Any vehicle impounded by the City or its designee shall be subject to a possessory lien in favor of the City in the amount required to obtain release of the vehicle.

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SECTION 11. Section 9-92-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-92-100 Disposal of unclaimed vehicles.**

(a) Whenever an abandoned, lost, stolen, or other impounded motor vehicle, or a vehicle determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, remains unclaimed by the registered owner, lienholder or other person legally entitled to possession for a period of 4418 days after notice has been given pursuant to Section 9-92-070(a) or (b), if, during that 18-day period, the department of police or department of streets and sanitation has sent an additional notice by first class mail to the registered owner, lienholder, or other legally entitled person, the superintendent of police or the commissioner of streets and sanitation shall authorize the disposal or other disposition of such unclaimed vehicles as provided in this section; provided, however, that the registered owner may request from the department of streets and sanitation one extension of 15 days before a vehicle is sold or otherwise disposed of. The department of streets and sanitation shall honor such request and shall not sell or otherwise dispose of a vehicle during the 15-day extension period.

*(Omitted text is unaffected by this ordinance)*

(e) Disposal of a vehicle pursuant to this section shall not relieve the violator of liability for all costs, fines and penalties incurred in conjunction with such vehicle: provided, however, that with respect to disposal of an abandoned vehicle, the amount of liability for towing and storage costs shall be reduced by any amounts realized in the disposal of the vehicle in accordance with Section ~~214(b)~~ Article 11 of Chapter 4 of the Illinois Vehicle Code.

SECTION 12. Section 11-5-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**11-5-030 Contract with a private hauler - When required - Exemptions.**

*(Omitted text is unaffected by this ordinance)*

(d) Any person who violates this section or any rule promulgated thereunder shall be given a 30-day notice of non-compliance, and shall come into compliance with this section within ~~such 30-day period~~ 30 days of the date on which such notice is personally served, mailed, sent or otherwise provided.

*(Omitted text is unaffected by this ordinance)*

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SECTION 13. On December 12, 2012 the City Council passed an ordinance authorizing a Coordinated City Digital Sign Program Agreement ("the Agreement") and associated agreements and municipal code amendments ("the Ordinance"), which appears at pages 44485 through 44642 of the Journal of Proceedings for that date (the "December 2012 Journal"). The Ordinance included, at Pages 44506 through 44510 of the December 2012 Journal, an Exhibit A, which set forth a list of City Digital Sign Sites ("the 2012 List"). The 2012 List was replaced in 2013 in article II, section 6 of an ordinance passed on November 26, 2013, which appears at page 67523 of the Journal of Proceedings for that date ("the 2013 List").

The Agreement is hereby amended as shown on Exhibit A attached hereto and incorporated herein.

SECTION 14. There is hereby established a Municipal Identification Card Program ("the Program"). The purpose of the Program is to develop, issue, and administer a Municipal Identification Card ("the Card"). The Card shall serve as a form of official identification when identification is required by the City, and for access to City services, and other services that the City develops in partnership with public and private entities. The City Clerk shall administer the Program, which will make the Card available to any resident of the City who fulfills requirements establishing the resident's identity and residency. The City Clerk shall promulgate rules necessary to effectuate the Program, including rules governing application requirements; a reasonable fee and authority to waive that fee in appropriate circumstances; and other measures to safeguard personal information, deter counterfeiting and fraud, and otherwise ensure the security, legitimacy, and utility of the Card.

## **ARTICLE IX. SEVERABILITY, 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.

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## ARTICLE X. EFFECTIVE DATES

Following passage and approval, SECTION 4 of ARTICLE IV of this Ordinance shall be deemed to apply retroactively to December 2, 2009, and any amendments to Sections 11-12-530 and 11-12-531 after that date shall be deemed effective as of the date of each such amendment. Any city action taken on or after December 2, 2009 pursuant to Section 11-12-530 or Section 11-12-531 is hereby ratified.

SECTION 1 of ARTICLE V, amending Section 4-64-240, and SECTION 2 of ARTICLE V, amending Section 4-64-245, are intended to clarify, rather than to change, existing law.

ARTICLE VI of this Ordinance (DIGGER) shall be in full force and effect ten days after its passage and approval. Following the effective date, the Commissioner may implement this Ordinance in a graduated fashion, with full implementation to be achieved no later than January 1, 2018.

ARTICLE VII of this Ordinance (Pharmaceutical Representatives) shall take full force and effect on July 1, 2017. Following passage and approval of this Ordinance, the Commissioners of Public Health and of Business Affairs and Consumer Protection are authorized to take such actions as necessary to receive and process license applications, and to take such other preparatory steps as needed to ensure licensure of pharmaceutical representatives on the effective date of ARTICLE VII.

The remainder of this Ordinance, following its passage and approval, shall take effect on January 1, 2017.

## EXHIBIT A

### **FIRST AMENDMENT TO THE COORDINATED CITY DIGITAL SIGN PROGRAM AGREEMENT**

This First Amendment to the Coordinated City Digital Sign Program Agreement effective 1<sup>st</sup> day of January, 2013 is entered into as of \_\_\_\_\_, 2016 (the "First Amendment"), by and between INTERSTATE JCDECAUX, LLC, a Delaware limited liability company (the "Contractor"), and the CITY OF CHICAGO, a municipal corporation and home rule unit of local government existing under the Constitution of the State of Illinois, (the "City"), at Chicago, Illinois.

### RECITALS

WHEREAS, on December 12, 2012, the City Council of the City of Chicago ("City Council") enacted an ordinance published in the Journal of Proceedings of the City Council for such date at pages 44485 through 44632 ("Original Ordinance") authorizing the City to enter into a Coordinated Citywide Digital Sign Program Agreement with the Contractor (the "Program Agreement") to establish a City-wide coordinated sixty (60) sign face digital network ("City Digital Network") on land and public way owned or controlled by the City adjacent to Interstate highways at no cost to the City in exchange for the City's allowing the Contractor to place advertising on and share in certain revenues from such City Digital Network, subject to final permitting in accordance with the terms and conditions of the Program Agreement; and

WHEREAS, on January 1, 2013 (the "Commencement Date") the City and the Contractor executed the Coordinated City Digital Sign Program Agreement, effective on the Commencement Date; and

WHEREAS, pursuant to an ordinance adopted by City Council on November 20, 2013 and published in the Journal for such date at pages 66052 - 66098 (the "2013 Ordinance") the City Council authorized the replacement of the 2012 List in its entirety with the amended list of City Digital Sign Sites (the "2013 List"); and

WHEREAS, subsequent to the Program Agreement's Commencement Date, the Contractor made good faith applications for the Required Governmental Approvals for the permitting of the various City Digital Network signs; and

WHEREAS, pursuant to the Program Agreement and Exhibit IC to the Program Agreement, the actual siting ("Sign Siting") of each City Digital Network sign is dependent upon receipt, review and approval of title evidence, surveys, site plans, satisfaction of Board of Underground and utility issues, Illinois Department of Transportation Approval, and compliance with the Federal Highway Beautification Act, the State of Illinois Highway Advertising Control Act of 1971, and other applicable laws and regulations; and

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WHEREAS, pursuant to Section 3.6 of the Program Agreement, the Contractor is required to apply for, pursue, and obtain all approvals and authorizations necessary for the permitting, including but not limited to, the necessary permitting from the Illinois Department of Transportation ("IDOT") and other Required Governmental Approvals (as defined in the Program Agreement), for each of the 60 sign faces of the City Digital Network; and

WHEREAS, notwithstanding the Parties' good faith efforts to meet the Program Agreement requirements, unanticipated and unforeseeable circumstances ("Unforeseeable Circumstances"), such as weather delays, a necessary change in law that required passage of Public Act 098-0056, which amended the Illinois Highway Advertising Control Act of 1971, and governmental approval delays in issuing the Required Governmental Approvals impacted the Contractor's timely installation and operation of the City Digital Network signs in accordance with the Program Agreement's City Digital Network sign installation schedules set forth in Exhibit 1D in the Program Agreement; and

WHEREAS, such Unforeseeable Circumstances were "Excusable Events" under the Terms and Conditions of the Program Agreement that impacted the installation schedule and other terms and conditions of the Program Agreement and therefore the City allowed for adjustments in the schedule for the Contractor's performance of the City Digital



Network sign installation and operation of the City Digital Network signs through a written extension of time for the Contractor's continued performance of the City Digital Network sign installation and operation of the City Digital Network signs pursuant to the terms of the Program Agreement; and

WHEREAS, since the Commencement Date, forty-eight (48) of the sixty (60) sign faces have been installed, are operational and generating revenue; and

WHEREAS, the City and the Contractor desire to amend the Program Agreement to bring current and adjust the installation schedules for the remaining twelve (12) sign faces and update the other applicable terms and conditions of the Program Agreement so that the purposes and the objectives of the Program Agreement at the Commencement shall be realized in the manner intended when the parties executed the Program Agreement; and

WHEREAS, capitalized terms not otherwise defined herein shall have the meaning set forth in the Program Agreement.

NOW, THEREFORE, for and in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Contractor agree as follows:

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## **TERMS AND CONDITIONS**

### **INCORPORATION OF RECITALS**

The Recitals above constitute an integral part of the Program Agreement and this First Amendment, and are hereby incorporated by this reference with same force and effect as if fully set forth herein as the agreement of the City and Contractor.

### **AMENDMENTS TO THE PROGRAM AGREEMENT**

1. Section 2.1 "Definitions" shall be amended as follows:

- a. The definition of "Aggregate Capitalized Costs Cap" shall be added to the "Definitions" and defined as:

"Aggregate Capitalized Costs Cap " means not to exceed Forty Million and No/100 Dollars (\$40,000,000) in the aggregate as Capitalized Costs for the 60 sign face network contemplated in this Agreement."

- b. The 5<sup>th</sup> sentence of the definition of "Capitalized Costs" shall be deleted and replaced with the following sentence:

"In no event shall the Capitalized Costs for the 60 sign face network contemplated in this Agreement exceed Forty Million and No/100 Dollars (\$40,000,000) in the aggregate ("Aggregate Capitalized Costs Cap")."

c. The 6<sup>th</sup> sentence of the definition of "Capitalized Costs" shall be deleted in its entirety.

d. The 12<sup>th</sup> sentence of the definition of "Capitalized Costs" shall be deleted in its entirety.

e. The definition of "City Share of Gross Revenues" shall be deleted in its entirety and replaced with:

"City Share of Gross Revenues" shall mean the distributions payable to the City pursuant to Exhibit 2 to this First Amendment, and the other terms and conditions hereof, as applicable from time to time, after the prior payment to the City of the Guaranteed Initial Fee(s) and the Guaranteed Annual Fee(s) but taking into account the prior payment of the scheduled Guaranteed Annual Fees in connection with the annual reconciliation described in Section 6.1 (a)(iv) hereof applicable to the determination of the City Share of Gross Revenues.

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As noted in Exhibit 2, the \$28,500,000 sharing threshold, at which the City's 50% sharing in Distributable Gross Revenues (as provided for under Exhibit 2) declines to a 40% sharing in Distributable Gross Revenues, and the \$33,500,000 sharing threshold, at which the City's 40% sharing in Gross Revenues declines to a 30% sharing in Gross Revenues, are further subject to adjustment as follows:

- i) there shall be no adjustment to such sharing threshold amounts until Distributable Gross Revenues exceed \$28,500,000;
- ii) once such Distributable Gross Revenues exceed \$28,500,000, then, starting with the year in which such threshold is exceeded, the following analysis shall occur each year:
  - a) if the Gross Revenues for such year increased by 3.5% or more over the prior year's Gross Revenues, the sharing threshold amounts applicable to such year shall increase by 1.75% (non-compounded, i.e., always \$498,750) with both the \$28,500,000 sharing threshold and the \$33,500,000 sharing threshold increasing, so that such thresholds always remain \$5,000,000 apart;
  - b) if the Gross Revenues for such year decrease by 3.5% or more over the prior year's Gross Revenues, the sharing threshold amounts applicable to such year shall decrease by 1.75% (non-compounded, i.e., always \$498,750) with both the \$28,500,000 sharing threshold and the \$33,500,000 sharing threshold, as the same may have been previously adjusted, decreasing, so that such thresholds always remain \$5,000,000 apart, provided, however, that in no event shall such sharing thresholds ever decrease below the starting \$28,500,000 and \$33,500,000 levels; and
  - c) if the Gross Revenues for such year declined by less than 3.50% and increased by less than 3.50% over the prior year's Gross Revenues, the sharing threshold amounts shall remain unchanged.

The above sharing threshold adjustments shall occur so long as the City continues to honor the City Digital Sign Exclusivity Provision in Section 4.6(a)(i) on and after January 1, 2024. The intent of the adjustments provided for above is not to extend the exclusivity provision beyond January 1, 2024, but to provide additional compensation to the City in the event that the City voluntarily elects to honor such exclusivity provision after the January 1, 2024 expiration date (the City having no legal obligation under this Agreement to do so). If the City does not elect to continue to honor such

exclusivity provision after such expiration date (i.e., it enters into an agreement which, if entered into prior to January 1, 2024, would have violated the City Digital Sign Exclusivity Provision), the sharing threshold adjustments described above shall cease, and

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the sharing threshold amounts shall remain fixed as of the date that a digital sign that is inconsistent with such exclusivity provision becomes operational."

f. The definition of "Satisfactory Performance" shall be amended as follows:

- i) to provide for the reset of time due to the occurrence of Unforeseeable Circumstances considered Excusable Events by replacing the time period "2016-2030" with "2016-2034" each time it is referenced in such definition; and
- ii) to provide for the increase in the revenue to the City by replacing the amount "One Hundred Fifty-Five Million Four Hundred Thousand and No/100 Dollars (\$155,400,000)" with "One Hundred Eighty-Nine Million Four Hundred Thousand and No/100 Dollars (\$189,400,000)".

2. The 3rd paragraph of Section 3.5 "Site and Local Physical Conditions" shall be deleted in its entirety and replaced with:

"After the Contractor files the report described in Section 3.5 above, the parties shall mutually determine in writing whether to eliminate the site and install the City Digital Sign at an alternate location listed on Exhibit 1C, taking into account the distribution needs for the City Digital Network, or a replacement site, or to install the City Digital Sign at the original location. Any replacement site shall be selected in accordance with Section 4.3(a)(iv), subject to authorization by the CFO."

3. The 4<sup>th</sup> paragraph of Section 3.5 "Site and Local Physical Conditions" shall be deleted in its entirety and replaced with:

"If the parties agree to proceed with the installation of the City Digital Sign at the original location, then the difference between the Contractor's actual and reasonable costs of installing such City Digital Sign and 115% of the Contractor's budgeted cost of installing such City Digital Sign, as reasonably determined by the City in writing, shall be added to the Capitalized Cost. The Contractor must forward copies of all records evidencing the cost of the installation of such City Digital Sign to the City upon request."

4. Section 3.15 "Minority and Women's Business Enterprises Commitment." shall be amended to provide for the use of MBE/WBE Utilization Reports to provide for the documentation of amounts spent by the Contractor with MBEs and WBEs. In the first paragraph of Section 3.15 the words "Schedules C-I and D-I" shall be deleted in the 3<sup>rd</sup> sentence and the words "Schedules C and D" shall be deleted in the 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> sentences and, in each instance, replaced with the words "MBE/WBE Utilization Reports, in the form approved by the Chief Procurement Officer."

5. The 1<sup>st</sup> paragraph of Section 3.20 "Affiliate Guaranty." shall be deleted and replaced with:

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"3.20 Affiliate Guaranty. Simultaneously with the execution of this First Amendment, the Contractor shall provide a guaranty of JCDcaux North America, Inc. (the "Guarantor") in the form attached hereto as Exhibit 12 (the "Guaranty") with such changes as may be approved by the City, guaranteeing the Contractor's obligation to pay (a) the remaining unpaid Guaranteed Initial Fees, which as of the date of this Amendment, may be a maximum of Two Million and No/100 Dollars (\$2,000,000), and (b) the Guaranteed Annual Fees, as and when payable in accordance with Exhibit 2, up to a maximum of One Hundred Eighty-Nine Million Four Hundred Thousand and No/100 Dollars (\$189,400,000)."

6. The last paragraph of Section 3.21 "Required City Digital Sign Refurbishment and Upgrade." shall be amended to read as follows:

"The refurbishments and upgrades shall be done on a rolling basis, taking into account the installation date and performance of a given City Digital Sign, so long as all such refurbishments and upgrades are done no later than ten (10) years from the date of the installation of such sign. For example, a sign installed in 2014 shall be refurbished and upgraded no later than in 2024."

7. **Section 4.3(a) shall be amended to read as follows**

**"4.3 Installation of City Digital Signs.**

(a) Site Selection and Installation.

(i) The Contractor shall submit initial Complete Sign Permit Applications for sites comprising 10 sign faces out of the 30 total Phase I sign face sites listed in Exhibit 1C no later than thirteen (13) weeks after the Commencement Date of this Agreement, and shall submit Complete Sign Permit Applications for all of the remaining Phase I sign faces sites no later than twenty-three (23) weeks after such Commencement Date. Such dates are subject to an equitable extension if either (A) at the City's written direction to Contractor based upon and specifying one or more of the factors specified in Section 4.3(a)(iv) below, or (B) due to infeasibility as mutually and reasonably agreed upon by the City and the Contractor in their respective commercially reasonable discretion (including, without limitation, because it is not commercially viable, or as described in Section 3.5), an initially designated sign drops out and cannot be replaced by an alternate sign face site listed on Exhibit 1C. The Contractor shall install and begin operation of such Phase I signs, on a rolling basis, no later than ten (10) months for the first (1st) sign face and twelve (12) months for the thirtieth (30th) sign face, as measured from the Commencement Date, subject to delays for Excusable Events. The City provided Contractor with a written extension of time to install such Phase I signs due to Unforeseeable Circumstances considered

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Excusable Events. The first sign in Phase I was installed and operational on March 2, 2014.

ii) The Contractor shall submit Complete Sign Permit Applications for sites comprising 10 sign faces out of the remaining 30 Phase II sign face sites listed in Exhibit 1C no later than twenty-eight (28) weeks after the Commencement Date of this Agreement, and shall submit Complete Sign Permit Applications for all of the remaining Phase II sign face sites no later than thirty-seven (37) weeks after such Commencement Date. Such dates are subject to an equitable extension as described in Section 4.3(a)(i) above). The Contractor shall install and begin operation of all such Phase II signs, on a rolling basis, no later than thirteen (13) months for the thirty-first (31st) sign face and sixteen (16) months for the sixtieth (60th) sign face, as measured from the Commencement Date, subject to delays for Excusable Events. The City provided Contractor with a written extension of time to install such Phase II signs due to Unforeseeable Circumstances considered Excusable Events. The thirty-first (31) sign in Phase II was installed and operational on July 15, 2015. The

Contractor shall install the 60<sup>th</sup> sign prior to December 31, 2017.

iii) If, the City directs the Contractor not to install a City Digital Sign at a Phase I or Phase II site, or an initially designated site proves to be infeasible for reasons described in Section 4.3(a)(i) above, the CFO shall cooperate with the Contractor to identify a replacement site to add to Exhibit 1C, so that at all times the parties are cooperating to make commercially reasonable efforts to assure that there are sufficient City Digital Sign Sites to support a 60 sign face City Digital Network. The parties shall cooperate to identify additional sites based on the criteria set forth in Section 4.3(a)(iv) below and mutually agree in writing upon such replacement sites. The Contractor may, at the Contractor's initial expense, and with the City's prior written consent, purchase a parcel of property and deed it to the City in order to establish a replacement site. In such case, the purchase price of the property shall be included as a Capitalized Cost and subject to recovery over a nine (9) year recovery period in the same manner as other Capitalized Costs.

iv) In identifying replacement sites pursuant to this Section 4.3 above, the parties will take into account the following considerations: (A) zoning; (B) existing neighborhood signage; (C) aldermanic concerns; (D) commercial viability; (E) legal issues; (F) location; (G) network distribution requirements; and (H) other factors deemed relevant by the parties. The City and the Contractor will use all reasonable efforts to agree on replacement sites and additional sites in a timely manner so as to permit the Contractor to fulfill its obligations, and the parties to realize the City Digital Network goals and objectives under this Agreement. The parties shall obtain approval by the Chief Financial Officer and the Commissioner of CDOT for replacement sites to be added to Exhibit 1C.

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v) The Contractor may propose sites to the City for additional City Digital Signs at any time and the City may accept or reject such sites in its sole discretion. If the City approves an increase in the number of City Digital Signs included in the City Digital Network beyond 60 sign faces, the Contractor and the City shall mutually and reasonably cooperate with one another in the expansion of the network, subject to the terms and conditions of this Agreement, including Section 13.5, as such Agreement may be amended in connection with such expansion and approved by the Chief Financial Officer and the Commissioner of CDOT.

vi) The Contractor's ability to install a City Digital Sign on any City Digital Sign Site shall be subject to the provisions of the Municipal Code of Chicago, to the extent not exempted, waived or modified by the City Digital Sign Ordinances, this Agreement, or other ordinances passed after the date of this Agreement.

vii) Prior to commencing installation of each City Digital Sign, the Contractor must submit a Complete Sign Permit Application to DOB, including the required site plan and renderings for the following reviews and approvals: (A) public way usage, if applicable; (B) zoning; (C) structural; and (D) electrical. The Contractor must obtain any applicable permits and approvals relating to such City Digital Sign, to the extent not exempted, waived or modified by the City Digital Sign Ordinances, this Agreement or other ordinances passed after the date of this Agreement.

viii) The Complete Sign Permit Application dates established pursuant to Section 4.3(a)(i), Section 4.3(a)(ii) and Exhibit 1D assume that, apart from the City Digital Sign Ordinances, and the approval of this Agreement, no further amendments to the Municipal Code or City Council approvals are required to lawfully install the City Digital Signs at the locations listed on Exhibit 1C. The Contractor represents and warrants to the City that it has done sufficient due diligence to verify the reasonableness of such assumption (i.e., the viability of the Phase I and Phase II sites from a City zoning and IDOT permitting perspective)."

8. Section 4.3(c) shall be amended to read as follows:

"(c) Additional City Digital Sign Sites. The CFO and the Contractor may amend Exhibit 1C in accordance with the City Digital Sign Ordinances and Section 13.5 to add additional City Digital Sign Sites, so as to achieve a 60 sign face network so long as such sites and the City Digital Signs to be constructed thereon meet the requirements for a "City Digital Sign" as permitted under the City Digital Sign Ordinances."

9. The 3<sup>rd</sup> sentence of Subsection 4.4(a) "Electricity for City Digital Signs " shall be deleted in its entirety.

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10. The last sentence of Subsection 4.4(a) "Electricity for City Digital Signs " shall be amended to read as follows:

"The Contractor will be responsible for the installation cost (including backup power sources and separate metering) and ongoing cost of electricity for the City Digital Signs."

11. Subsection 4.6(a) "Grant of Right." shall be amended to provide for the reset of time due to the occurrence of Unforeseeable Circumstances considered Excusable Events by replacing the date "January 1, 2020" with "January 1, 2024" and "July 1, 2020" with "July 1, 2024".

12. Section 5.1 "Term of Performance." shall be amended as follows:

- i) to provide for the reset of time due to the occurrence of the Unforeseeable Circumstances considered Excusable Events, to replace the date "December 31, 2032" with "December 31, 2036" and replace the date "December 31, 2033" with "December 31, 2037"; and
- ii) The first paragraph of Section 5.1 shall be amended to add the following as the seventh sentence in that first paragraph:

"In the event substantial refurbishment and upgrade does not occur by time determined under this Section 5.1, Section 5.3, and Exhibit IE "Maintenance and Operation Standards", the City's Share of Gross Revenues shall be increased to seventy-five percent (75%) of Gross Revenues until such substantial refurbishment and upgrade has been completed as to all City Digital Signs, at which time the priority distribution and sharing percentages set forth on Exhibit 2 shall then apply."

13. Subsection 5.2(c) "Liquidated Damages for Delay." shall be amended to correct an incorrect reference, to replace the reference to Exhibit 1C with the Exhibit ID.

14. Section 5.3 shall be amended to read as follows:

"5.3 Agreement Extension Option; City Termination Right. If the CFO reasonably determines there has been Satisfactory Performance by the Contractor, and the Contractor provides evidence of readily available funds sufficient to pay for a second refurbishment and upgrade of the City Digital Signs at the start of such extension period in an amount not less than One Hundred Thousand and No/100 Dollars (\$100,000) per sign face, the CFO shall, upon the Contractor's written request, extend the original term of this Agreement (as described in Section 5.1 above) for one additional nine-year period under the same terms and conditions as those set forth in this original Agreement, (but without any one-year extension period at the end of such extension period), except as otherwise provided in this Agreement, by notice in writing to the Contractor. If the CFO reasonably determines

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there has not been Satisfactory Performance, the CFO may, nonetheless extend the term of this Agreement under such terms and conditions as the CFO deems necessary or appropriate. Subject to the two one-year extension periods provided for in Section 5.1, under no circumstances shall the original term (as described in Section 5.1 above) of this Agreement be extended for more than one nine-year period. If applicable, the Contractor shall request such extension no less than six months prior to the date on which the Agreement is due to terminate. Upon receipt of such notice, the CFO shall confirm her reasonable determination as to such Satisfactory Performance, or in the alternative, shall cite the basis for finding no such Satisfactory Performance. If the CFO confirms such agreement, then the Contractor must provide to the CFO within 45 days Payment and Performance Bonds reasonably acceptable to the City which satisfy the requirements of Section 3.19 and secure the performance of all then-existent Bonded Obligations, if any, for a period of no less than one year (or as otherwise required pursuant to Section 3.19) after the beginning of the extension period and cover all liabilities of the Contractor arising during such period, unless such Payment and Performance Bonds are already on deposit with the CFO. If the Contractor does not provide the Payment and Performance Bonds required by the preceding sentence within such 45-day period, the CFO may in her sole discretion revoke her decision to extend the term. After notification by the CFO of a decision to extend the term and receipt of the required Payment and Performance Bonds, this Agreement will be administratively amended to reflect such time extension. Refurbishment and upgrade costs for such second sign turn, which shall not be less than One Hundred Thousand and No/100 Dollars (\$100,000) per sign face shall again be subject to recovery in accordance with the distribution provisions of Exhibit 2 in the same manner as the initial Capitalized Costs.

Notwithstanding the foregoing, after December 31, 2035 (or December 31, 2036, if a one-year extension has been previously granted), and notwithstanding the Contractor's Satisfactory Performance, the CFO shall have a one-time option to terminate this Agreement without cause for any reason, in the CFO's sole discretion, by written notice to Contractor delivered no later than June 30, 2036 (or June 30, 2037, if applicable) ("City's Termination Notice"). Upon such notice, the term of the Agreement shall expire on December 31, 2036 (or December 31, 2037, if applicable) and the Contractor shall fulfill its surrender obligations in accordance with the applicable provisions of this Agreement. In the event of any such early termination by the City under this paragraph, the City shall pay to Contractor a special termination payment in an amount equal to the sum of: (i) a sum equal to the Capitalized Costs not previously recovered by the Contractor pursuant to the distribution provisions of Exhibit 2; plus (ii) a sum equal to the Distributable Gross Revenues paid to the Contractor with respect to calendar year 2035 (i.e., taking into account the distribution provisions of Exhibit 2 and any required "true up" reconciliation adjustments required with respect to such calendar year). The City shall remit such special termination payment to the Contractor on or before December 31, 2036, (or December 31, 2037, if applicable). The special termination payment shall be in addition to the Contractor's Share of Gross Revenues distribution payable with respect to such calendar year pursuant to Exhibit 2."

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15. The first paragraph of Section 5.3 shall be amended as follows:

- i) to delete the 4<sup>th</sup> sentence of the section and replace it with the following: "If applicable, the Contractor shall request such extension by December 31, 2035."
- ii) to add the following sentence at the end of the first paragraph:

"In the event substantial refurbishment and upgrade does not occur by time determined under Section 5.1, this Section 5.3, and Exhibit 1E "Maintenance and Operation Standards", the City's Share of Gross

Revenues shall be increased to seventy-five percent (75%) of Gross Revenues until such substantial refurbishment and upgrade has been completed as to all City Digital Signs, at which time the priority distribution and sharing percentages set forth on Exhibit 2 shall then apply."

16. The last sentence of the first paragraph of Section 5.3 "Agreement Extension Option; City Termination Right." shall be amended to read as follows:

"Refurbishment and upgrade costs for such second sign turn, which shall not be less than One Hundred Thousand and No/100 Dollars (\$100,000) per sign face, on a rolling basis, shall again be subject to recovery in accordance with the distribution provisions of Exhibit 2 in the same manner as the initial Capitalized Costs distribution provisions only, not the Aggregate Capitalized Costs Cap."

17. Subsection 6.1(a)(v) "Additional Payment. " shall be amended to include the State of California as an "Other CDN Agreement" and to provide for the reset of time due to the occurrence of Unforeseeable Circumstances considered Excusable Events as follows:

- i) to replace "2013, 2014 or 2015" with "2013 through 2019", each time such dates are referenced; and
- ii) the last sentence of the first paragraph shall be amended to delete the reference to the State of California.

18. Subsection 10.4(e) "Business Relationships." shall be amended to correct the last sentence to read as follows:

"Contractor hereby represents and warrants that no violation of Section 2-156-030 (b) has occurred with respect to this Agreement or the transactions contemplated hereby.

19. Section 12.5 "Excusable Events and Schedule and Fee Adjustments." shall be amended to correct an incorrect reference to replace the reference to Exhibit 1C with the Exhibit ID.

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20. Section 13.5 "Amendments." shall be amended to read as follows:

"13.5 Amendments. The CFO and Commissioner of CDOT shall jointly have the authority to execute, change, amend, modify or discharge this Agreement, or any part thereof, from time to time, in writing and approved as to form and legality by the Corporation Counsel, and signed by the Contractor. The CFO and Commissioner of CDOT shall jointly have the authority to amend the Exhibits to this Agreement from time to time (other than Exhibit IB, the amendment of which would require a further text amendment to the Zoning Ordinance) with regard to the final siting, installation, and operation of the City Digital Signs, so long as such amendments are materially consistent with the terms and conditions of this Agreement."

21. Section 13.16 "Shakman Accord." shall be deleted in its entirety and replaced with the following provisions:

"2014 City Hiring Plan.

- i) The City is subject to the June 16, 2014 "City of Chicago Hiring Plan" (as amended, the "2014 City Hiring Plan") entered in Shakman v. Democratic Organization of Cook County, Case No 69 C 2145 (United States District Court for the Northern District of Illinois). Among other things, the 2014 City Hiring Plan prohibits the City from hiring persons as governmental employees in non-exempt positions on the basis of political reasons or factors.



ii) Contractor is aware that City policy prohibits City employees from directing any individual to apply for a position with Contractor, either as an employee or as a subcontractor, and from directing Contractor to hire an individual as an employee or as a subcontractor. Accordingly, Contractor must follow its own hiring and contracting procedures, without being influenced by City employees. Any and all personnel provided by Contractor under this Agreement are employees or subcontractors of Contractor, not employees of the City of Chicago. This Agreement is not intended to and does not constitute, create, give rise to, or otherwise recognize an employer-employee relationship of any kind between the City and any personnel provided by Contractor.

iii) Contractor will not condition, base, or knowingly prejudice or affect any term or aspect to the employment of any personnel provided under this Agreement, or offer employment to any individual to provide services under this Agreement, based upon or because of any political reason or factor, including, without limitation, any individual's political affiliation, membership in a political organization or party, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or such individual's political sponsorship or

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recommendation. For purposes of this Agreement, a political organization or party is an identifiable group or entity that has as its primary purpose the support of or opposition to candidates for elected public office. Individual political activities are the activities of individual persons in support of or in opposition to political organizations or parties or candidates for elected public office.

(iv) In the event of any communication to Contractor by a City employee or City official in violation of subparagraph (ii) above, or advocating a violation of subparagraph (iii) above, Contractor will, as soon as is reasonably practicable, report such communication to the Firing Oversight Section of the City's Office of the Inspector General (the "OIG"), and also to the head of the relevant City Department utilizing services provided under this Agreement. Contractor will also cooperate with any inquiries by the OIG."

22. Exhibit ID shall be amended to reflect the Excusable Events and replaced with the following:

"Pursuant to Section 12.5 of this Agreement, the City granted the Contractor an extension with respect to the dates set forth on this Exhibit ID in relation to the Unforeseeable Circumstances considered Excusable Events. The dates specified in this Exhibit ID for the Installation and Operation of the 1st sign face is March 2, 2014; the Installation and Operation of the 30<sup>th</sup> sign face is July 15, 2015; and the Installation and Operation of the 60<sup>th</sup> sign face shall be prior to December 31, 2017".

23. Exhibit 1E "Maintenance and Operations Standards" shall be amended under "Maintenance and Operation Standards Applicable to All City Digital Signs" at the fifth paragraph which shall be amended to delete all references to Section 21 and replace such references with "Sections 5.1 and 5.3".

24. Exhibit 2 "Distribution and Gross Revenue Sharing Provisions" shall be amended in part as follows and the balance of Exhibit 2 shall remain unchanged:

"Guarantee Payments - 2. Guaranteed Annual Fee" shall be amended to increase the guaranteed amounts paid to the City and to provide for the reset due to the Unforeseeable Circumstances considered Excusable Events, as follows:

- i) by replacing the "Total Guaranteed Annual Fees" amount "\$155,400,000" with "\$189,400,000"; and
- ii) the amounts listed under the "Guaranteed Annual Fee" column heading shall be amended for year 2016 to be \$4,000,000; for year 2018 to be \$6,000,000; for the year 2022 to be \$8,000,000; for years 2023 to 2035 to be \$10,000,000;

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and the last line of the chart referencing June 2036 to be \$5,000,000, all reflected as per the following:

"Calendar YearGuaranteed Payments to City

2014	\$2,400,000
2015	\$4,000,000
2016	\$4,000,000
2017	\$6,000,000
2018	\$6,000,000
2019	\$8,000,000
2020	\$8,000,000
2021	\$8,000,000
2022	\$8,000,000
2023	\$10,000,000
2024	\$10,000,000
2025	\$10,000,000
2026	\$10,000,000
2027	\$10,000,000
2028	\$10,000,000
2029	\$10,000,000
2030	\$10,000,000
2031	\$10,000,000
2032	\$10,000,000
2033	\$10,000,000
2034	\$10,000,000
2035	\$10,000,000
2035	June 2036\$5,000,000

Total Guaranteed AnnualFees \$ 189,400,000"

- (iii) "Percentage Amount Revenue Sharing Band Threshold for Percentage Amounts<sup>5</sup>" shall be amended to increase the guaranteed amounts paid to the City and to provide for the reset due to the Unforeseeable Circumstances considered Excusable Events, as follows:

"50%	Distributable Gross Revenues up to \$28.5 million
40%)	Distributable Gross Revenues between \$28.5 million and \$33.5 million
30%)	Distributable Gross Revenues greater than \$33.5 million"

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(iv) "Distribution and Revenue Sharing Calculation Illustration" and accompanying footnotes shall be amended to provide for the increased guaranteed payments to the City with the City Share of Gross Revenues for the years 2013 to June 2036:

Calendar Year

2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 June 2036  
Annual Gross Revenues

\$2,324,000 \$9,557,000 \$13,000,000 \$15,000,000 \$22,000,000 \$25,000,000 \$28,000,000 \$31,000,000 \$32,085,000 \$33,207,975 \$34,370,254 \$35,573,213  
 \$36,818,275 \$38,106,915 \$39,440,657 \$40,821,080 \$42,249,818 \$43,728,562 \$45,259,061 \$46,843,128 \$48,482,638 \$50,179,530 \$25,967,907

Totals<sup>7</sup> to the City:

Guaranteed Payments to City.

\$15,000,000"

s<sup>^</sup>/mo<sup>oo</sup><sup>6</sup>

\$4,000,000 \$4,000,000 \$6,000,000 \$6,000,000 \$8,000,000 \$8,000,000 \$8,000,000 \$8,000,000  
 \$10,000,000 \$10,000,000 SI 0,000,000 \$10,000,000 \$10,000,000 \$10,000,000 \$10,000,000 SI 0,000,000  
 SI 0,000,000 SI 0,000,000 SI 0,000,000 SI 0,000,000 510,000,000 S 5,000,000

Guaranteed

Capitalized

Cost Recovery<sup>4</sup>

\$2,600,000 \$3,000,000 \$5,000,000 \$5,000,000 \$5,000,000 \$5,000,000 \$5,000,000 \$5,000,000  
 \$4,400,000

\$1,514,000 \$2,034,000 \$2,034,000 \$2,034,000 \$2,034,000 \$2,034,000 \$2,034,000 \$2,034,000 S 520,000

Payments<sup>6</sup>

\$214,400,000

Distributable Gross Revenues<sup>7</sup>

\$2,324,000 \$6,957,000 \$10,000,000 \$10,000,000 \$12,000,000 \$15,000,000 \$18,000,000 \$21,000,000  
 522,085,000 528,807,975 \$34,370,254 \$35,573,213 536,818,275 \$36,592,915 537,406,657 \$38,787,080  
 \$40,215,818 \$41,694,562 \$43,225,061 \$44,809,128 \$47,962,638 \$50,179,530 \$25,967,907

City Share of Gross Revenues<sup>7</sup>

SI, 162.000 \$3,478,500 \$5,000,000 \$5,000,000 \$6,000,000 \$7,500,000 \$9,000,000 \$10,500,000

\$11,042,500 \$14,373,190 SI 6,511,076 SI 6,871,964 \$17,245,482 \$17,177,874 \$17,421,997 \$17,836,124  
\$18,264,745 \$18,708,368 \$19,167,518 \$19,642,738 \$20,588,791 \$21,253,859 \$12,544,883

v) Footnote 4 is amended by replacing the term "eight-year period" with the term "ten (10) year period";

vi) Footnote 6 is amended by replacing the term "twenty years" with the term "twenty-four" years.

25. Exhibit 9 shall be amended to provide for the amended Exhibit as agreed between the parties, to replace the current column headings with the following:

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"Display Face Number", "Ad Panel Category", "Sign Face Information", "Contract Duration",  
"Contract \$ Amount", "Quarter End Payment Date" and "Annual Limitation on Client Y/N".

26. Exhibit 11 "Contractor's Advertising Policy " shall be amended to reflect changes to item 11 and adds item 13 on the list of Advertising Standards as follows:

"11. Advocates imminent lawlessness or violent action, or contains graphic depictions of violence, including gang symbols, signs or actions."

"13. Promotes, depicts or supports illegal drugs or the use of illegal drugs."

27. Exhibit 12 "Form of Guaranty " shall be amended to delete the Schedule of Guaranteed Annual Fees as listed and replace the following as the list of Schedule of Guaranteed Annual Fees and a new updated Guaranty shall be executed and delivered to the City:

"2014	\$	2,400,000
2015	\$4,000,000	
2016	\$4,000,000	
2017	\$6,000,000	
2018	\$6,000,000	
2019	\$8,000,000	
2020	\$8,000,000	
2021	\$8,000,000	
2022	\$8,000,000	
2023	\$10,000,000	
2024	\$10,000,000	
2025	\$10,000,000	
2026	\$10,000,000	
2027	\$10,000,000	
2028	\$10,000,000	
2029	\$10,000,000	
2030	\$10,000,000	
2031	\$10,000,000	
2032	\$10,000,000	
2033	\$10,000,000	

	2034	\$10,000,000
	2035	\$10,000,000
	June 2036	\$5,000,000
Total Guaranteed Annual Fees		SI89,400,000"

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28. Appendix A hereto includes: (1) the form of MBE/WBE Utilization Reports, as approved by the Chief Procurement Officer, for Assembly and Installation; and (2) the form of MBE/WBE Utilization Report for Maintenance and Dismantling when there is no Outsourced Amounts.

Except as modified by this First Amendment, all other terms and conditions of the Program Agreement, including the Exhibits thereto, remain the same.

*[Signatures on the following pages]*

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CITY OF CHICAGO,  
an Illinois municipal corporation and  
home rule unit of government

By:  
Carole Brown, Chief Financial Officer

By:  
Rebekah Scheinfeld, Commissioner  
Department of Transportation

INTERSTATE JCDECAUX, LLC, a Delaware limited liability company

By:  
Manager

By:  
Manager

By:  
Manager

By:  
Manager

By:  
Manager

STATE OF ILLINOIS

COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Carole

Brown, in her capacity as the Chief Financial Officer of the City of Chicago, a municipal corporation (the "City"), personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, acknowledged that as Chief Financial Officer, she signed and delivered the foregoing instrument pursuant to authority given by the City, as her free and voluntary acts, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal on \_\_\_\_\_, 2016.

STATE OF ILLINOIS

COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Rebekah Scheinfeld, in her capacity as the Commissioner of the Department of Transportation of the City of Chicago, a municipal corporation (the "City"), personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, acknowledged that as Commissioner, she signed and delivered the foregoing instrument pursuant to authority given by the City, as her free and voluntary acts, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal on \_\_\_\_\_, 2016.

Notary Public

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STATE OF \_\_\_\_\_ )  
 )SS.  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that \_\_\_\_\_, in his capacity as a Manager of Interstate JCDecaux, LLC, a Delaware limited liability company (the "Company") personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, acknowledged that as said Manager he signed and delivered the foregoing instrument pursuant to authority given the Company, as his free and voluntary act, and as the free and voluntary act and deed of said Company, for the uses and purposes therein set forth.

Given under my hand and notarial seal on \_\_\_\_\_, 2016.

Notary Public

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that \_\_\_\_\_, in his capacity as a Manager of Interstate JCDecaux, LLC, a Delaware limited liability company (the "Company") personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, acknowledged that as said Manager he signed and delivered the foregoing instrument pursuant to authority given the Company, as his free and voluntary act, and as the free and voluntary act and deed of said Company, for the uses and purposes therein set forth.

Given under my hand and notarial seal on \_\_\_\_\_, 2016.

Notary Public

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STATE OF \_\_\_\_\_ )  
 )SS.  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that \_\_\_\_\_, in his capacity as a Manager of Interstate JCDecaux, LLC, a Delaware limited liability company (the "Company") personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, acknowledged that as said Manager he signed and delivered the foregoing instrument pursuant to authority given the Company, as his free and voluntary act, and as the free and voluntary act and deed of said Company, for the uses and purposes therein set forth.

Given under my hand and notarial seal on \_\_\_\_\_, 2016.



Notary Public

STATE OF )  
 )SS.  
COUNTY OF )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that , in his capacity as a Manager of Interstate JCDecaux, LLC, a Delaware limited liability company (the "Company") personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, acknowledged that as said Manager he signed and delivered the foregoing instrument pursuant to authority given the Company, as his free and voluntary act, and as the free and voluntary act and deed of said Company, for the uses and purposes therein set forth.

Given under my hand and notarial seal on , 2016.

Notary Public

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STATE OF )  
 )SS.  
COUNTY OF )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that , in his capacity as a Manager of Interstate JCDecaux, LLC, a Delaware limited liability company (the "Company") personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, acknowledged that as said Manager he signed and delivered the foregoing instrument pursuant to authority given the Company, as his free and voluntary act, and as the free and voluntary act and deed of said Company, for the uses and purposes therein set forth.

Given under my hand and notarial seal on , 2016.

Notary Public

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**(Sub)Appendix A of the First  
Amendment FORM OF  
MBE/WBE UTILIZATION REPORT FOR ASSEMBLY AND INSTALLATION**

**Contract Administrator:**

Network

**Reporting Period: Utilization Report No:**

Project Name: Coordinated City Digital

Contract No.: Ordinance 02012-7784 Date of Award: October 9, 2012

In connection with the above-captioned contract, I HEREBY DECLARE AND AFFIRM that I am the duly authorized representative of:

Interstate	JCDcaux,	LLC	3959	South
Morgan Street Chicago, IL 60609				

and that the following Minority and Women Business Enterprises have been contracted with, and have furnished, or are furnishing and preparing materials for, and rendering services stated in the contract agreement.

The following Schedule accurately reflects the value of each MBE/WBE sub-agreement and the amounts of money paid to each to date.

<u>DATE</u>	<u>MBE/WBE NAME</u>	<u>INDICATE IF FIRM</u> <u>AMOUNT OF (MBEORWBE)</u>	<u>AMOUNT PAID</u> <u>CONTRACT TO</u>
[INSERT]			

As of the date of this Report:

<i>Amount</i>	<i>Paid</i>	<i>to</i>	<i>MBE:</i>	<i>S/INSERTJ</i>	<i>Amount</i>	<i>Paid</i>	<i>to</i>	<i>WBE:</i>
<i>\$</i>	<i>INSERTj</i>							

For each MBE and/or WBE listed on this report, briefly describe the work or goods/services provided in relation to this contract. (Indicate line items, if applicable)

<u>MBE/WBE NAME</u>	<u>DESCRIPTION OF WORK/SERVICES AND/OR GOODS PROVIDED</u>
---------------------	---

[INSERT] [INSERT]

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT ARE TRUE AND

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CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE CONTRACTOR, TO MAKE THIS AFFIDAVIT.

Name of Contractor: Interstate JCDecaux, LLC

Signature:

Name of Affiant: [INSERT]

Date: (Print or Type)

State of [INSERT] City of [INSERT]

This instrument was acknowledged before me on

(Date)

By (Name/s of Person/s)

as (Type of Authority)

of Interstate JCDecaux. LLC

**Signature of Notary Public (Seal)**

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**FORM OF**

**MBE/WBE UTILIZATION REPORT FOR MAINTENANCE AND DISMANTLING**

(WHEN THERE IS NO OUT-SOURCED AMOUNT)

Contract Administrator: Project Name: Coordinated City Digital  
Network

Reporting Period: Contract No.: Ordinance 02012-7784

Utilization Report No: Date of Award: October 9, 2012

In connection with the above-captioned contract I HEREBY DECLARE AND AFFIRM that I am the duly authorized representative of:

Interstate JCDecaux, LLC 3959 South Morgan  
Street Chicago, IL 60609

and that the following Minority and Women Business Enterprises have been contracted with, and have furnished, or are furnishing and preparing materials for, and rendering services stated in the contract agreement.

The following Schedule accurately reflects the value of each MBE/WBE sub-agreement and the amounts of money paid to each to date.

	INDICATE IF FIRM	
	AMOUNT OF	AMOUNT PAID
<u>MBE/WBE NAME</u>	<u>(MBE OR WBE)</u>	<u>CONTRACT TO</u>
<u>DATE</u>		

Not applicable - There has been no amount spent as Out-Sourced Costs on maintenance and/or dismantling.

**As of the date of this Report:**

<i>Amount Paid to MBE for</i>	<i>Phase:</i>	<i>\$0</i>
<i>As a percentage of Out Sourced Costs:</i>		<i>N/A</i>

<i>Amount Paid to WBE for</i>	<i>Phase:</i>	<i>\$0</i>
<i>As a percentage of Out Sourced Costs:</i>		<i>N/A</i>

For each MBE and/or WBE listed on this report, briefly describe the work or goods/services provided in relation to this contract. (Indicate line items, if applicable)

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<u>MBE/WBE NAME</u>	<u>DESCRIPTION OF WORK/SERVICES AND/OR GOODS PROVIDED</u>
---------------------	---

Not applicable - There has been no amount spent as Out-Sourced Costs.

**I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE CONTRACTOR, TO MAKE THIS AFFIDAVIT.**

Name of Contractor: Interstate JCDecaux, LLC

Name of Affiant: [INSERT]

(Print or Type)

State of [INSERT] County of [INSERT]

This instrument was acknowledged before me on

(Name/s of Person/s)

(Type of Authority)

of Interstate JCDecaux, LLC

(Seal)

CHICAGO, November 09, 2016

To the President and Members of the City Council:

Your Committee on the Budget and Government Operations, having had under consideration an Ordinance authorizing sundry amendments to the Municipal Code of Chicago necessary for the organization, reorganization and jurisdiction of various departments, and having been presented with a proposed Substitute Ordinance by the Office of Budget and Management; and having had the same under advisement, begs leave to report and recommend that Your Honorable Body pass the Substitute Ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the Committee.

Chairman