



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2017-7824

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

**File created:** 11/8/2017 **In control:** City Council

**Final action:** 11/21/2017

**Title:** Amendment of Municipal Code Titles 1, 2, 4, 7, 9, 10, 11 and 13 regarding various department functions and duties (2018 Management Ordinance)

**Sponsors:** Emanuel, Rahm

**Indexes:** Ch. 4 Code Adoption-Organization, Ch. 4 Environmental Protection & Control, Ch. 4 General Licensing Provisions, Ch. 4 Traffic Definitions & General Provisions, Ch. 5 License Fees for Title 4 Licenses, Ch. 8 Administration of Zoning, Building & Housing Provisions, Ch. 12 Animal Care & Control, Ch. 20 Building Inspection, Ch. 22 Dept. of Buildings, Ch. 25 Dept. of Business Affairs & Consumer Protection, Ch. 28 Health Nuisances, Ch. 29 Office of Emergency Management & Communications, Ch. 32 Building Permits, Ch. 36 Parks, Playgrounds & Airports, Ch. 51 Commissioner of Fleet & Facility Management, Ch. 58 Emergency Energy Plan, Ch. 59 Natural Gas Emergency Response Plan, Ch. 60 Liquor Dealers, Ch. 64 Parking Regulations, Ch. 64 Tobacco Dealers, Ch. 68 Ambulances, Ch. 92 Impounding & Relocation of Vehicles, Ch. 96 Miscellaneous Buildings & Structures, Ch. 104 Public Chauffeurs, 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. 156 Amusements, Ch. 196 Existing Buildings-Minimum Requirements, Ch. 228 Motor Vehicle Repair Shops, Ch. 232 Motor Vehicle Storage & Sales, Ch. 240 Pawnbrokers, Ch. 244 Peddlers, Ch. 264 Secondhand Dealers

**Attachments:** 1. SO2017-7824.pdf, 2. SO2017-7824 (V1).pdf, 3. O2017-7824.pdf

Date	Ver.	Action By	Action	Result
12/4/2017	1	Office of the Mayor	Signed by Mayor	
11/21/2017	1	City Council	Passed as Substitute	Pass
11/15/2017	1	City Council	Deferred and Published	Pass
11/13/2017	1	Committee on Budget and Government Operations		
11/8/2017	1	City Council	Referred	

### SUBSTITUTE

### 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:

Article I. Article II. Article III. Article IV. Article V. Article VI. Article VII. Article VIII. Article IX. Article X.

Article XI. Article XII. Article XIII. Article XIV. Article XV.

This ordinance is organized into fifteen Articles, as follows:

Building Code Garbage Eligibility  
Utility Company Emergency Response Plans Environment  
Cease and Desist Orders Garages  
Issuing and Revoking Licenses Commercial Loading Zones Taxi  
Reform Rideshare Reform Chicago Riverwalk Dangerous Animals  
Miscellaneous Severability; Repealer Effective Dates

## ARTICLE I: BUILDING CODE

SECTION 1. Section 13-8-050 of the Municipal Code of Chicago is hereby repealed in its entirety by deleting the language stricken through and by inserting the language underscored, as follows:

### **13-8-050 Application approval denial-Written refusal-Appeal Reserved.]**

~~Whenever the building commissioner shall refuse to approve an application for a permit or a license because of a violation of the zoning provisions of this Code, he or she shall issue upon request a written refusal to approve such application. Upon receipt of such a refusal, the said applicant may file an application for an appeal from the decision of the commissioner as pfevided by law.~~

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SECTION 2. Section 13-20-014 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **13-20-014 Document review fees.**

~~The building commissioner~~ Building Commissioner shall have the authority, pursuant to Section 2-22-040, to impose document review fees rather than the inspection or reinspection fees specified in this Codej. which are assessed for annual, semiannual and periodic inspections, code compliance inspections, permit inspections, license inspections or other inspections by the Department of Buildings of any type required or authorized by this Code afd for inspections of any type required under Chapter 18-13 of this Code. The document review fee may be authorized upon submission to the ~~commissioner~~ Commissioner of such documents^ as he the Commissioner may require,, which indicate that in a particular instance an inspection by the ~~department of buildings~~ Department of Buildings is not necessary or that such inspection may be undertaken pursuant to the mandate of, rather than by, the department. Such documents may include reports, photographs, maintenance agreements, contracts, schedules and sworn affidavits regarding the item which is subject to inspection. When the ~~building commissioner~~ Building Commissioner accepts such documents in lieu of inspection, a document review fee of one-half the applicable inspection fee shall be assessed.

Nothing in this section shall preclude the ~~building commissioner~~ Building Commissioner from requiring an inspection mandated by the ~~code~~ this Code to be performed and assessing the applicable fee for such inspection.

For purposes of this section, the term "inspection" shall also include reinspections.

SECTION 3. Section 13-20-016 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-016 Emergency! and specially requested or outside of department business hour inspection fees.**

Whenever the ~~department of buildings~~ Department of Buildings conducts an emergency inspection because of concerns regarding the health and safety of the public<sup>A</sup> of conducts a special inspection at the request of an (1) owner, (2) agent, (3) general contractor or subcontractor identified on a permit application, or (4) other person in possession and control of that which is to be inspected, or conducts an inspection outside of department business hours as promulgated by rule, the ~~building commissioner~~ Building Commissioner is authorized to assess a fee for such inspection based on the costs to the department for such inspection, including actual and related costs incurred. In the case of specially requested inspections, the person making the request shall be informed at the time of the request that an additional fee will be assessed prior to the performance of the inspection and shall agree to pay such fee. Notwithstanding Sections 2-8-065 or 13-20-060 of this Code, a person having a fee waiver

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under either Section 2-8-065 or Section 13-20-060 of this Code shall be subject to an inspection fee for a specially requested inspection or an inspection outside of department business hours. For purposes of this section the term "inspection" shall also include reinspections.

SECTION 4. Section 13-20-051 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-051 Reinspection fee.**

a) Except as otherwise provided in this code, whenever the ~~department of buildings~~ Department of Buildings conducts a ~~third or subsequent~~ inspection following an initial ~~and one follow-up~~ inspection of a building to verify code compliance, compliance with approved permits or approved permit plans or license compliance, the ~~commissioner~~ Commissioner of buildings Buildings is authorized to assess a reinspection fee of \$100.00 against the building's owner, agent, general contractor or subcontractor identified on a permit application, lessee or occupant, except where the subsequent inspection is necessary due to an error made by the city. The Commissioner of Buildings is further authorized to assess a reinspection fee based on the costs to the department for such inspection, including actual and related costs incurred per inspection against the building's owner, agent, general contractor or subcontractor identified on a permit application, lessee or occupant for any reinspection that occurs outside of department business hours as promulgated by rule.

b) The reinspection fee shall also be assessed whenever (i) any scheduled inspection cannot take place due to the absence of the building's owner, agent, general contractor or subcontractor identified on a permit application, lessee or occupant or any other action or inaction by the building's owner, agent, general contractor or subcontractor identified on a permit application, lessee or occupant<sup>A</sup> or (ii) a scheduled inspection was canceled less than twenty-four hours prior to the scheduled inspection: or (iii) a scheduled inspection took place but the work to be inspected was not complete or ready for inspection: or (iv) a scheduled inspection occurred but the work was contrary to the permit or approved plans or was contrary to code. In the event that a reinspection occurs as the result of an event enumerated in (i) through (iv) above then the Commissioner may, at the Commissioner's sole discretion, require that the reinspection occur outside of the department's business hours as promulgated by rule and is further authorized to assess a reinspection fee based on the costs to the department for such inspection, including actual and related costs incurred per

inspection against the building's owner, agent, lessee or occupant for any reinspection that occurs outside of department business as promulgated by rule.

The reinspection fee shall be paid to the ~~comptroller~~ Comptroller.

SECTION 5. Section 13-20-060 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**13-20-060 Inspection fee - Exemptions.**

*(Omitted text is unaffected by this ordinance)*

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Fee exemptions under this Section do not apply to specially requested inspections or inspections outside of department business hours as promulgated by rule pursuant to Section 13-20-016; or to document review fees as defined in Section 13-20-014; or third-party inspection fees, third-party review fees or other fees under a sundry program as defined in Section 13-32-031.

SECTION 6. Section 13-20-510 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-510 Definitions.**

For the purposes of this article Article, the following additional definitions shall apply;

"Alter" or "altered" or "alteration" or "change" means any action pertaining to a sign or sign structure that requires the issuance of a new permit under Section 13-20-550, including but not limited to, any modification, relocation, reerection, conversion from on-premise to off-premise (or vice versa), conversion from static image to dynamic image (or vice versa), conversion in dynamic technology, raising or lowering its height, changing its angle, adding extensions, enlarging its dimensions, deviating from approved permit drawings or supporting documents, or changing the address to which the permit applies.

"Owner or lessee of the real property" means: (1) the owner of the real property on which any on-premise or off-premise sign is located; or (2) any on-premise tenant of an owner who maintains an on-premise sign on such owner's real property. For purposes of this definition, the term "owner or lessee of the real property" shall not mean the owner or lessee of an off-premise sign asset or account or of an off-premise sign structure asset or account, or the lessee of air space or exterior wall space for an off-premise sign. The definition of "owner or lessee of the real property" added by the amendatory ordinance of 2017, effective January 1, 2018, is intended to clarify, rather than to change, existing law.

Signs. ~~Signs are deemed to be a~~ Sign(s) mean any name, identification, description, display, illustration, or character which: (1) is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which (2) directs attention to an object, product, place, activity, person, institution, organization, or business. For purposes of this definition, the term "sign(s)" shall also include any item defined as a "sign" in Section 17-17-02159. The language added to this definition by the amendatory ordinance of

2017, effective January 1, 2018, is intended to clarify, rather than to change, existing law.

*(Omitted text is unaffected by this ordinance)*

*"Ground signs" means signs supported by a structure which rests on or in the ground. (Omitted text is unaffected by this ordinance)*

"Off-premise sign" has the meaning ascribed to that term in Section 17-17-02108.

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"On-premise sign" has the meaning ascribed to that term in Section 17-17-02109.

*(Omitted text is unaffected by this ordinance)*

SECTION 7. Section 13-20-520 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-520 Penalties.**

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

(2) The fines set forth in subsection (a)(1) of this section shall also apply, on a per offense and per day basis, to any person who continues to display or maintain any sign for which such person's sign permit has been revoked pursuant to Section 13-20-645.

(23) In all cases where no specific penalty is provided for in this article Article, any person erecting, owning, operating<sub>T</sub> or maintaining, or in charge, possession or control of<sub>A</sub> any sign or its support structure who violates any provision of this article Article shall be fined not more than \$500.00 for each offense. ~~Each sign or structure owned, operated and maintained or controlled by that person that is erected, constructed, or maintained in violation of any of the provisions of this article shall constitute a separate and distinct violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.~~

*(Omitted text is unaffected by this ordinance)*

SECTION 8. Section 13-20-550 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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**13-20-550 Permits required.**

a) Unless a valid permit has been obtained from the department of buildings, it shall be unlawful for any person:

*(Omitted text is unaffected by this ordinance)*

4) to change a sign from a static image display sign to a dynamic image display sign (or vice versa): or

5) to change from an on-premise sign to an off-premise sign (or vice versa).

b) (1) It shall be the duty of every owner of any real property on which a sign is located to ensure that each sign maintained on the owner's property has a valid permit under this section and, if applicable, under Section 13-20-555, and is otherwise in compliance with the ~~provisions of this section~~ Article. It shall be a violation of this ~~article~~ section for the owner of any real property to have or to permit to remain on the such property ~~any sign which does not have a valid or required permit(s).~~

2) It shall be the duty of every lessee of any real property on which a sign is located to ensure that each sign erected or maintained by such lessee on the leased property has a valid permit under this section and, if applicable, under Section 13-20-555, and is otherwise in compliance with this Article. It shall be a violation of this section for the lessee of any real property to have or to permit to remain on such property any sign which does not have a valid or required permit(s).

3) It shall be the duty of every person or entity who offers advertisement space on any sign to ensure that such sign has a valid permit under this section and, if applicable, under Section 13-20-555, and is otherwise in compliance with this Article. It shall be a violation of this section for any person or entity to offer advertisement space on any sign which does not have a valid or required permit(s).

4) It shall be the duty of every person or entity who advertises on a sign to ensure that each sign on which they advertise has a valid permit under this section and, if applicable, under Section 13-20-555, and is otherwise in compliance with this Article. It shall be a violation of this section for any person or entity to advertise on any sign which does not have a valid or required permit(s).

*(Omitted text is unaffected by this ordinance)*

SECTION 9. Section 13-20-555 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-555 Public way use permits - Required.**

In addition to any permit required by this article Article, a public way use permit is required under Section 10-28-010 for any sign which is on, above or over the public way pursuant to Section 10-28-010, excluding a city digital sign. For purposes of this section, the term "sign" shall have the meaning ascribed to that term in Section 13-20-510 and shall also include the sign structure, sign mounting device(s), exterior sign illumination lighting, sign monitoring cameras and any other apparatus attached to or relating to the sign. If, in addition to the permit required under Section 13-20-550, a public way use permit is also required to erect, alter, repair or maintain a sign, as defined herein, and such public way use permit has not been obtained or renewed in a timely manner, the Commissioner may revoke the permit issued under Section 13-20-550 in accordance with Section 13-20-645. If a general contractor or registered electrical contractor ("contractor") installs, alters, erects, or repairs a sign, as defined herein, without first having obtained any required public way use permit for such sign, the Commissioner may: (1) suspend such contractor's permit privileges, in accordance with Section 13-8-130, until such time that the contractor comes into compliance with this section and Section 10-28-010, at which time the contractor's permit privileges may be reinstated by the Commissioner in accordance with Section 13-8-150: or (2) suspend or revoke such contractor's license, registration or certification, as applicable, in accordance with Section 13-8-140.

SECTION 10. Section 13-20-560 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-560 Permit application.**

*(Omitted text is unaffected by this ordinance)*

(2) Any substantial change in information that is different from the information provided in the application for a permit to erect, install of alter any sign shall be reported to the commissioner within 10 days of such change, including any change in: ownership (i) the permittee of any permit issued on or before May 19, 2012, or (ii) the owner or lessee of the real property identified in any permit issued after May 19, 2012, or (iii) the name or contact information of the payer of record for a permit, that is different from that information listed i n the permit application shall be reported to the commissioner within 10 days of such change. The Such change of information shall be submitted to the commissioner Commissioner in a form prescribed by the commissioner in rules and regulations. For purposes of this subsection (a)(2), the term "substantial change in information" shall not include any alteration of a sign or sign structure, as defined in Sections 13-20-510 and Section 5-20-550(e), which would require a new permit to be obtained for such sign or sign structure.

(3) (A) If the building commissioner Building Commissioner determines that an application or any

supporting documentation required for a permit under Section 13-20-550 is incomplete or otherwise deficient,, the commissioner shall notify the applicant or the applicant's agent of such fact in writing. Such notification, which shall be dated, shall (4) explain why the application or supporting documentation is deficient^ (2) state that no No further processing of the application shall occur until the deficiencies identified in the notification are corrected.; and (3) inform the applicant that if the deficiencies are not corrected within 120 days of the date indicated on the face of the notification, the application shall be deemed, by operation of law, to have been withdrawn. Provided, however, that upon receipt of a written request from the applicant, and for good cause shown, the building commissioner may extend, to a date certain, the period to cure the deficiencies identified in the notification required under this subsection. For purposes of this subsection, the terms "in writing" and "notification" shall include any electronic communication or notation in the City's electronic permit application and plan review systems that are available for viewing by the applicant or the applicant's agent.

B) If an applicant disagrees with the Building Commissioner's determination that the application or any supporting document is deficient under this Code, the applicant may file a written petition with the Commissioner to contest the deficiency. The Commissioner may promulgate rules establishing the process for contesting a deficiency.

C) No application for a new sign permit shall be accepted or otherwise processed by the Department of Buildings if any person, including but not limited to any sign company, holds a current and valid sign permit for an existing sign at the location identified in the permit application.

*(Omitted text is unaffected by this ordinance)*

(c) It shall be unlawful for any person to make a false statement of material fact to the City in any sign permit application or supporting document or on any change of information form submitted in connection with any permit. In addition to any other penalty provided by law, such violation may result in revocation of such permit in accordance with Section 13-20-645 and the imposition of other penalties under Chapter 1-21 of this Code.

SECTION 11. Section 13-20-565 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **13-20-565 Permits - Term.**

(a) Any permit required under section Section 13-20-550 issued after the effective date of this 2013 ame  
ndatory ordinance shall expire may be revoked by the Commissioner under Section 13-20-645 under any of  
the following circumstances: 5 years after its issuance. Prior to the expiration of the permit, the permittee shall f  
ile an appteation for a renewal permit. If the

permittee has demonstrated that during the permit term, there has been no substantial alteration in the sign or  
sign structure from the original permit, the permit shall be automatically renewed for an additional period of 5 ye  
ars, and every 5 years thereafter, as long as the sign and sign structure remain in accordance with the original  
permit; provided that if the permittee has any outstanding debt, the permit shall not be renewed unless the pe  
rmittee satisfies, or otherwise resolves, the outstanding debt within 60 days after the expiration of the permit.



For purposes of this subsection "debt," "satisfies" and "otherwise resolves" have the meaning ascribed those terms in section 2-32-094.

- 1) erection or alteration of a sign or sign structure without a valid permit in violation of Section 13-20-550; or
- 2) erection or alteration of a sign or sign structure contrary to the permit in violation of Section 13-20-590; or
- 3) abandonment of the sign or sign structure within the meaning of Sections 13-20 760 or 13-96-041; or
- 4) failure to obtain a public way use permit or to renew a public way use permit as required under Sections 10-28-010 or 13-20-555; or
- 5) loss of nonconforming status of the sign or sign structure pursuant to Chapter 17-15 of this Code; or
- 6) failure to display the permit number(s) on or adjacent to an on-premise or off premise sign in violation of Section 13-20-620; or
- 7) making a false statement of material fact on a permit application or any supporting document or on a change of information form in violation of Section 13-20-560(c).

Failure to make an application for a renewal permit within 30 days after the expiration of the permit shall cause the sign to become illegal and require immediate removal of the sign and sign structure. No fee shall be charged for a renewal permit issued pursuant to this subsection.

If a permittee fails to timely renew the permit in accordance with this subsection (a), the permittee may apply for a new sign permit, but such application shall be subject to current code provisions, including zoning restrictions, applicable to the issuance of a new sign permit.

(b) Any permit that is voluntarily reported as abandoned pursuant to Section 13-96-041 (b) of this Code may be revoked by the Commissioner without any further notice or action. This section shall not apply to any lawfully permitted or legally established sign existn§-pfie^ the effective date of this 2013 amendatory ordinance; provided that if, after the effective date of this 2013 amendatory ordinance, any such sign or sign structure is substantially altered after

such alteration requires a permit under section 13-20-550, subsection (a) shall apply to the new permit.

*(Omitted text is unaffected by this ordinance)*

(d) For purposes of this section, the term "substantial alteration" or "substantially altered" means a change, enlargement or alteration of a sign or sign structure which requires the issuance of a new permit under

~~r-section 13-20-550~~ shall have the meaning ascribed to that term in Section 13-20-510.

SECTION 12. Chapter 13-20 of the Municipal Code of Chicago is hereby amended by inserting a new Section 13-20-601, underscored as follows:

**13-20-601 Unlawful transfer or use of registration or license.**

- a) No registered electrical contractor or general contractor shall allow their name or registration or license number to be used on any permit application for a sign or sign structure, unless such electrical contractor or general contractor is performing or directing the work which the permit application states that such person will perform or direct.
- b) No registered electrical contractor named in a permit application for a sign or sign structure shall subcontract or assign any portion of the described electrical work to any other person.
- c) Any registered electrical contractor or general contractor who violates this section may have their permit privileges suspended in accordance with Section 13-8-130. In addition, such contractor's registration or license may be suspended or revoked in accordance with Section 13-8-140.
- d) In addition to any other penalty provided by law, a violation of this section may result in revocation of the sign permit in accordance with Section 13-20-645.

SECTION 13. Section 13-20-620 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-620 Display of permit numbers for off-premise signs.**

(a) (1) The permit number shall be permanently displayed on or adjacent to all off-premise signs for which ~~the commissioner of buildings~~ issues a permit has been issued by the Building Commissioner pursuant to Title 13 or Title 18 of this code Code. If a sign has or is required to have a public way use permit, the current public way use permit number shall also be permanently displayed on such sign in accordance with this section. Any letters and numerals of such display shall be readily visible and conspicuous from the public way. The

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size, location of the permit number relative to the off-premise sign, and other characteristics of such display may be set forth in rules regulations promulgated by the commissioner of buildings Building Commissioner. This section shall apply to all swob off-premise signs either now in existence or hereafter constructed. Any person who violates this subsection (a)(1) shall be subject to the fines set forth in Section 13-12-040 and the permit may be revoked under Section 13-20-645. Each day that a violation continues shall constitute a separate and distinct offense.

(2) It shall be unlawful for any person to display a false or incomplete permit number on any off-premise sign. Any person who violates this subsection (a)(2) shall be subject to fines set forth in Section 13-12-

-040 and the permit may be revoked under Section 13-20-645. Each day that a violation continues shall constitute a separate and distinct offense.

*(Omitted text is unaffected by this ordinance)*

SECTION 14. Chapter 13-20 of the Municipal Code of Chicago is hereby amended by inserting a new Section 13-20-625, underscored as follows:

**13-20-625 Additional penalties for continued use of a sign without a permit or where the sign permit has been rescinded or revoked.**

In addition to any other penalty, sanction or remedy provided by law, the following additional penalties shall apply for continued use of a sign or sign structure without a permit or in cases where the permit for a sign or sign structure has been rescinded or revoked (for purposes of this section, an "illegal sign" or "illegal sign structure"):

- a) No building permit, other than a permit to remove the illegal sign or illegal sign structure, may be issued for a building or lot on which the illegal sign or illegal sign structure is located until such Illegal sign or illegal sign structure is removed. Provided, however, that this prohibition shall not apply to: (1) any permit issued by the Department of Buildings for emergency repairs as determined by the Building Commissioner, or (2) any permit issued by the Department of Buildings if the Building Commissioner determines that immediate issuance of the applicable license or permit is necessary to protect the public health, safety or welfare, or is otherwise necessary to comply with mandatory state or federal laws that preempt the City's home rule authority, and all other applicable requirements for issuance of such license or permit have been met.
- b) No zoning permit, variance or approval may be issued for a building or lot on which the illegal sign or illegal sign structure is located until such sign and sign structure is removed.
- c) No business license may be issued for a building or lot on which the illegal sign or illegal sign structure is located until such sign and sign structure is removed.

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SECTION 15. Section 13-20-630 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-630 Permit rescission.**

The ~~commissioner~~ Commissioner shall have the power, pursuant to procedures set forth in Section 13-20-645 of this Code, to rescind any sign permit required by this ~~article~~ Article that was erroneously approved by any City department as part of the application review process and subsequently issued by the department Department of Buildings based on such erroneous approval.

SECTION 16. Section 13-20-640 of the Municipal Code of Chicago is hereby amended by deleting the

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

**13-20-640 Revoking of permit Permit revocation - Signs and sign elements.**

The building commissioner Building Commissioner may, pursuant to procedures established in Section 13-20-645, revoke the permit for any sign or sign element constructed, altered, or erected or maintained in violation of any of the provisions of this chapter or Article I of Chapter 13-96 of this Code. The permit for any sign element that is voluntarily reported as abandoned, pursuant to Section 13-96-041 (b), may be revoked by the Commissioner without any further notice or action.

SECTION 17. Section 13-20-645 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-645 Procedure for non-renewal, denial, revocation or rescission of a permit.**

The procedures for revoking or rescinding a sign permit shall be established by rules promulgated by the Commissioner pursuant to Section 2-22-040(2)(c).

{a) ~~If a sign permit is not renewed pursuant to section 13-20-565, or if the commissioner denies an application for, or revokes or rescinds a sign permit, the commissioner shall notify the permittee, in writing, of such non-renewal, denial, revocation or rescission. The notice shall:~~

(4) ~~set forth the basis of the non-renewal, denial, revocation or rescission;~~

(2) ~~include a statement that within ten days of the notice of non-renewal, denial, revocation or rescission, the permittee is entitled to request a hearing, in person and in writing, at the department of administrative hearings;~~

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3) include a statement that the permittee is entitled to appear at the hearing to testify, present documents, including affidavits, and any other evidence to contest the nonrenewal, denial, revocation or rescission;

4) include a statement that if the permittee fails to request a hearing within ten days, the permittee is deemed to have conceded the validity of the reason stated in the notice and the non renewal, denial, revocation or rescission, shall become final;

{&) ~~include a certificate of service;~~

6) ~~include an oath or affirmation by the commissioner certifying the correctness of the facts set forth in the notice of non-renewal, denial, revocation or rescission; and~~

7) ~~be served by first class mail.~~

(b) ~~The permittee or owner days after notice is sent, may file with the department of administrative hearings a request for a hearing. Such hearing request shall be made in person, and in writing, at the department~~

~~nt of administrative hearings An administrative law officer of the department of administrative hearings shall conduct such hearing within 14 days of the request, excluding Saturdays, Sundays, and legal holidays.~~

~~For purposes of this subsection, the ten-day period shall begin to run on the date that the notice was deposited in the mail. Based upon the evidence contained in the record, an administrative law officer of the department of administrative hearings shall issue written findings and enter an order either affirming or reversing the non-renewal, denial, revocation or rescission. A copy of the findings and order shall be served upon the permittee and all parties appearing or represented at the hearing either by personal service or first class mail.~~

~~(d) If the permittee does not request a hearing within ten days after the notification of the non-renewal, denial, revocation or rescission, the permittee or owner shall be deemed to have conceded the validity of the reason stated in the notice and the non-renewal, denial, revocation or rescission shall become final.~~

SECTION 18. Section 13-20-650 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-650 Height and location.**

Sign size and location shall be limited as follows:

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*(Omitted text is unaffected by this ordinance)*

(d) Flat signs shall not project above the parapet of the building unless in accordance with all of the following conditions:

*(Omitted text is unaffected by this ordinance)*

(2) The sign shall not extend more than four feet (1.22 m) above the parapet of where there is no parapet more than four feet (1.22 m) two feet (0.61 m) above the roof line as required by Sections 17-12-0702 and 17-17-02150 of the Chicago Zoning Ordinance. The language added by the amendatory ordinance of 2017, effective January 1, 2018, is intended to clarify, rather than to change, existing law.

(3) ~~In no case shall more than 50 percent of the sign project above the parapet or above the roof line where there is no parapet.~~

(4)(3) A sign shall not be permitted to be supported from the parapet.

~~f§4(4) Special permission is obtained in writing from the building commissioner Building Commissioner before the perrrit application is submitted.~~

*(Omitted text is unaffected by this ordinance)*

(i) No sign shall be attached to or supported by a chimney unless special permission has been obtained in writing from the ~~building commissioner~~ Building Commissioner before the permit is issued.

*(Omitted text is unaffected by this ordinance)*

SECTION 19. Section 13-20-680 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-680 Council approval.**

A ~~city council~~ City Council order approving a sign for any sign which exceeds 100 feet<sup>2</sup> (9.3 m<sup>2</sup>) in area or any roof or ground sign, structure or signboard over 24 feet (7.32 m) in height, excluding city digital signs identified in a coordinated city digital sign program agreement entered into pursuant to Section 10-28-046, or identified in an amendment to such a program agreement approved by the City Council committee, shall be required in addition to the normal permit for any sign which exceeds 100 feet<sup>2</sup> (9.3 m<sup>2</sup>) in area or any roof or ground signy stwecture or signboard over 2A feet (7.32 m) in height, excluding city digital signs identified in a coordinated city digital sign program agreement entered into pursuant to Section 10-28-046, or identified in an amendment to such a program agreement approved by the city council. Before

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When the complete application for a permit for such sign is filed with the ~~building commissioner~~ Building Commissioner, the applicant shall submit a duplicate of the complete application to the alderman of the ward in which the sign is to be located along with the order template required by the committee. At the time the duplicate is submitted to the alderman, the applicant shall (except as to such excluded city digital signs) submit to the ~~city clerk~~ City Clerk an order for the approval or disapproval of the sign on the order template required by the committee for introduction at the next regular meeting of the ~~city council~~ City Council, and proof that the public notice provided for in this section has been given and a list of all persons who have been given such notice. The council order, upon being introduced to the council, shall be forwarded to the appropriate committee for hearing. Prior to filing its order with the City Clerk application, the applicant for the permit (except as to such excluded city digital signs) shall give notice to all voters registered at addresses within 250 feet (76.2 m) of the proposed sign location.

Any change to a sign for which a ~~city council~~ City Council order was issued or required to be issued that changes the sign from a static image display sign to a dynamic image display sign shall require an additional ~~city council~~ City Council order in compliance with the requirements of this section and a new sign permit in compliance with the requirements of this ~~code~~ Code. The council order shall include text explicitly approving acknowledging the change in that the sign is being changed from a static image display sign to a dynamic image display sign.

\*

*(Omitted text is unaffected by this ordinance)*

Such notice shall inform the recipient that he or she the individual will receive notice of the date of a public hearing on the application order before the committee, and that he or she the individual has the right to

testify before the committee. The notice shall be sent by certified mail, return receipt requested, with all costs to be borne by the applicant. No notice need be given under this section, however, of any application order seeking a permit for a sign to be erected on the premises of a business only limited to information identifying the business conducted on the premises or with respect to a city digital sign. The committee shall give notice by first class mail to all voters registered at addresses within 250 feet (76.2 m) of the proposed sign location and, after conducting a hearing, shall recommend approval or disapproval of the order. The hearing shall be recorded or transcribed. At the hearing, the applicant shall have the right to offer evidence and comment on or rebut all other evidence placed before the committee. A recommendation of an approval or disapproval of the order shall be passed based on the following considerations:

*(Omitted text is unaffected by this ordinance)*

Any committee report requesting this approval or disapproval of the order must state specific reasons for the recommendation, which reasons shall be consistent with ~~any applicants~~ such applicant's constitutional rights contained in the First, Fifth, and Fourteenth Amendments of the United States Constitution and Sections 2 and 4 of Article 1 of the Illinois Constitution of 1970. The recommendation of the committee to approve or disapprove the order ~~permit~~ as provided herein shall not be based on the content of the proposed sign. In determining whether

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~~to issue an order approving or disapproving~~ approve or disapprove a sign order, the ~~city council~~ City Council shall be bound by the same standards as that apply to the committee in ~~making~~ when it makes its recommendation. The ~~building commissioner~~ Building Commissioner shall issue a permit for a sign that is subject to this section unless:

- 1) The ~~city council~~ City Council has Issued voted not to approve passage of an order ~~disapproving the application~~ within 60 days after the order for the sign was submitted to the ~~city clerk~~ City Clerk, or
- 2) The sign for which the application is submitted is not or will not be in compliance with any provision of this chapter and all other applicable Code provisions governing the construction and maintenance of outdoor signs, signboards, and structures.

If the ~~city council~~ City Council fails to issue an order ~~disapproving an application~~ for a sign within a 60-day period after the order for the sign is submitted to the ~~city clerk~~ City Clerk, an order ~~approving~~ on the sign shall be deemed to have been issued at the end of such period; provided, however, that no time period shall commence until a complete application has been submitted to the department of buildings and the alderman of the ward in which the sign is to be located. The ~~city clerk~~ City Clerk shall, within two business days, notify the ~~building commissioner~~ Commissioner whenever the city council issues or is deemed to issue an order ~~approving or disapproving a sign~~ pertaining to a permit application for a sign. In any event, the ~~building commissioner~~ Building Commissioner may not take final action on the application until the ~~city council~~ City Council issues or is deemed to issue an order ~~to recommend approval or disapproval of~~ pertaining to the application. The ~~building commissioner, however, must take final action on the application no later than 75 days after the order for the sign permit was submitted to the city clerk.~~

Any person aggrieved by the final decision of the ~~building commissioner~~ Building Commissioner

disapproving an application may seek judicial review of the decision in the manner provided by law.

As used in this section:

"legal voter" means a person who has registered to vote and whose name appears on a poll sheet from the last preceding election<sup>^</sup> regardless of whether such election is a primary or general election.

"Complete application" means all required documentation, as prescribed by rules promulgated by the Building Commissioner, which are necessary to complete the sign permit license application.

*(Omitted text is unaffected by this ordinance)*

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SECTION 20. Section 13-20-730 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-20-730 Notice of non-compliance.**

Whenever ~~it shall appear to the building commissioner~~ Building Commissioner determines that any such sign or sign structure has been erected or is being maintained in violation of the provisions of this chapter or is in an unsafe condition, or has become unstable or insecure, or is ~~in such a condition as to be a~~ menace to the safety or health of the public, he shall the Commissioner may thereupon issue or cause to be issued a notice, in writing, to the responsible person, as defined herein, ~~owner of such sign or structure, or person in charge, possession, or control thereof, if the whereabouts of such person is known,~~ informing such person of the violation of the provisions of this chapter or of the dangerous condition of such sign or sign structure and directing him such responsible person to make such alteration whatever alterations or repairs the ~~retro as shall be that the commissioner reasonably deems necessary to make the same comply~~ bring the sign or sign structure into compliance with the requirements of this chapter, and with Article I of Chapter 13-96 and Title 14E of this Code, within such a reasonable time, as which may be stated in said notice. If the necessary alterations and repairs are not made within the time period specified, the permit for the sign or sign structure may will be revoked by the ~~building commissioner~~ Building Commissioner pursuant to Section 13-20-645 without further notice. Nothing in this section shall prohibit the Building Commissioner from seeking to directly revoke a permit pursuant to Section 13-20-645. The ~~written notice required by this section shall so inform the person to whom the notice is directed.~~

As used in this section, the term "responsible person" means: (1) the permittee of a permit for a sign or sign structure issued on or before May 19, 2012; or (2) the owner or lessee of the real property on which a sign or sign structure is located of a permit issued after May 19, 2012; or (3) the person in charge, possession, or control thereof, if the whereabouts of such person is known.

SECTION 21. Section 13-20-740 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:



### 13-20-740 Posting non-compliance notice.

If the owner of such sign or structure or the person in possession, charge, or control thereof responsible person, as defined in Section 13-20-730, cannot be found or his such responsible person's whereabouts cannot be ascertained, the building commissioner Building Commissioner shall attach or cause to be attached to said such sign or sign structure a notice of the same import as that required to be sent to the owner or person in possession, charge, or control thereof when the owner is known; and if meeting the requirements of Section 13-20-740

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If such the sign or sign structure identified in such notice is shall not have been made to conform to brought into conformity with the provisions of this chapter and is not placed in a secure, safe, and substantial substantially sound condition in the manner directed or required by in accordance with the requirements of such notice,, within 30 calendar days after such notice shall have been is attached to such sign or sign structure, the building commissioner Building Commissioner may thereupon cause such sign or sign structure or such any portion thereof as is that has been constructed and or is being maintained in violation of the provisions of this chapter, or Article I of Chapter 13-96 of this Code or Title 14-E of this Code, to be torn downj. provided Provided, however, that nothing herein contained in this section shall be construed to prevent the building commissioner Building Commissioner, in case of imminent danger, from adopting such precautionary measures as may be taking necessary or advisable precautionary measures in case of imminent danger in order to place such sign or sign structure in a safe condition7. Provided further, that the any expense incurred by the City in connection with taking such precautionary measures of which shall be charged to and recovered from the owner of such sign or structure, or the person in charge, possession, or control thereof, responsible person, as defined in Section 13-20-730, in any appropriate proceedings therefore. If the necessary alterations and repairs are not made within the time period specified, the permit for the sign or sign structure will may be revoked by the building commissioner pursuant to Section 13-20-645 without further notice. Nothing in this section shall be construed to prohibit the Building Commissioner from seeking to directly revoke a permit pursuant to Section 13-20-645. The written notice required by this section shall so inform the person to whom the notice is directed.

SECTION 22. Section 13-20-760 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 13-20-760 Abandoned signs and structures.

(a) ~~Abandoned sign. Any sign, on which the annual inspection fee has not been paid in conformity with all the provisions of this chapter, shall be declared to be abandoned and (or) a hazard and the building department is hereby empowered to remove or cause to be removed any such abandoned or hazardous signs.~~

(a) "Abandoned sign" means:

- 1) any sign that has had no copy on it for at least six consecutive months: or
- 2) any sign that: (A) is attached to a building or lot: and (B) identifies or describes either a

business that has not been located or operating in such building or lot for at least six consecutive months, or identifies or describes a product or service that has not been sold or leased within such building or lot for at least six consecutive months, or identifies or describes either a business or service which has either failed to obtain or maintain a valid City of Chicago business license or licenses, if required, for said building or lot: or

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(3) any sign for which the sign inspection fee required by this Code has not been paid and is past due for at least six consecutive months; or

(4) any sign for which the permit number applicable to such sign not been displayed in the manner required by Section 13-20-620 for at least six consecutive months.

The permit for an abandoned sign may be revoked in accordance with Section 13-20-645.

Any abandoned sign shall be declared a hazard and the building department is hereby empowered to remove or to cause to be removed any such abandoned sign.

~~{©) Abandoned structure. Structures over public or private property shall be removed at the time the sign is removed unless the structure is continuously maintained by a licensed general contractor. A drawing prepared by a licensed architect or structural engineer and bearing the seal of the architect or structural engineer shall be presented with the application for the erection of a new sign on such structures.~~

(b) "Abandoned sign structure" means any sign structure that:

1) has not had any sign, or has had an abandoned sign, attached to it for at least six consecutive months; or

2) has a sign attached to the structure for which the sign inspection fee required by this Code has not been paid and is past due for at least six consecutive months; or

3) is an off-premise sign or sign or sign structure for which the permit number applicable to such sign not been displayed in the manner required by Section 13-20-620 for at least six consecutive months; or

4) is an outdoor sign on which the name of the owner of such sign not been ' displayed in the manner required by Section 13-96-040(e) for at least six consecutive months.

SECTION 23. Section 13-20-770 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **13-20-770 Removal of sign or structure.**

(a) It shall be the duty of the ~~building commissioner~~ Building Commissioner to remove or to cause the removal of any sign or sign structure that is not in compliance with afiy ~~of the provisions of this article~~ Article and or Section 14E-6-600 dealing with signs<sup>7</sup>. In such

case, and any requisite fee or compensation or inspection fees fee paid to the City of Chicago for such sign shall not be refunded.

(b) The owner of the real property, the lessee of the real property, and the person in control of such sign or sign structure shall be held jointly and severally liable for all expenses incurred by the building department in the performance of this the Building Commissioner's duty under subsection (a) of this section to remove non-compliant signs and sign structures, and the City shall be entitled to place and record a lien on the real property until the City has been reimbursed for all such expenses in full.

SECTION 24. Section 13-32-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-32-030 Applications.**

Applications for building permits shall be in swob the form as shall be prescribed by the building commi  
ssioner Building Commissioner. If the application for a building permit is required to be accompanied by  
drawings or plans, in addition to any other information that may be required, the application for such building  
permit shall include or otherwise be accompanied by the full name, residence address, business address, e-  
mail address, residence telephone number and business telephone number of the following persons: (1) the  
applicant, which may include a lessee of the real property, (2) the owner of the real property for which the  
building permit is sought, if such owner of the real property is different from the applicant, and (3) if such  
applicant or owner of the real property is a corporation, partnership, limited liability company or other legal  
entity, each person owning, directly or indirectly, more than 25 percent of the interest in such applicant or  
owner of the real property. For purposes of this section, "more than 25 percent" shall mean more than 25  
percent of the combined voting power or fair market value of all stock, partnership interests or other ownership  
interests in the applicant or property owner of the real property or the right to receive at any time the  
distribution of more than 25 percent of the income or profits of the applicant or property owner of the real  
property. If the applicant is a person or entity other than the owner of the real property, the applicant shall be  
required to attest that such applicant is submitting the application with the knowledge and consent of the  
owner of the real property.

Every such application for a permit shall be accompanied by a copy of every recorded easement on  
the lot on which the building is to be erected, and on the immediately adjoining lots, showing the use or benefit  
resulting from such easement. All such applications shall be accompanied by drawings, plans, and  
specifications in conformity with the provisions of this chapter. Where alterations or repairs in buildings are  
made necessary by reason of damage by fire, that fact shall be stated in the application for a permit. In such  
cases, before a permit shall be issued, the building commissioner Building Commissioner shall cause a  
thorough inspection to be made of the damaged premises with the view of testing the structural integrity of the  
damaged parts. No permit shall be issued by the building commissioner Building Commissioner

for the construction, erection, addition to or alteration of any building or structure unless the applicant therefor shall furnish to the ~~building commissioner~~ Building Commissioner a certificate or other written evidence of the

proper federal officer or agency that the proposed construction is not prohibited by any order, rule or directive of an agency of the United States government.

If the ~~building commissioner~~ Building Commissioner determines that an application or any supporting documentation required for a building permit is incomplete or otherwise deficient, the ~~commissioner~~ Commissioner shall notify the applicant or the applicant's agent of such fact in writing. Such notification, which shall be dated, shall (4-) explain why the application or supporting documentation is deficient^ (2) state that no No further processing of the application shall occur until the deficiencies identified in the notification are corrected; and (3) inform the applicant that if the deficiencies are not corrected within 120 days of the date indicated on the face of the notification, the application shall be deemed, by operation of law, to have been withdrawn. Provided, however, that upon receipt of a written request from the applicant, and for good cause shown, the ~~building commissioner~~ Building Commissioner may extend, to a date certain, the period to cure the deficiencies identified in the notification required under this subsection. For purposes of this subparagraph, the terms "in writing" and "notification" shall include any electronic communication or notation in the City's electronic permit application and plan review systems that are available for viewing by the applicant or the applicant's agent.

Except in the case of residential garages, fence installation or repairs or repairs to buildings to meet code requirements, prior to issuing a building permit, the ~~building commissioner~~ Building Commissioner shall give ten days' written notice of the proposed issuance of the permit to the alderman of the ward in which the proposed work to be done is to be located, and no permit shall be valid unless such notice is delivered; provided, however, that the affidavit of the ~~building commissioner~~ Building Commissioner showing delivery of such notice to an alderman in person or by mailing to such address as he may have filed with the city clerk City Clerk, shall be conclusive evidence of delivery of such notice. In cases of emergencies, a permit may be issued, to take immediate effect, under the ~~building commissioner's~~ Building Commissioner's authority. And the ~~building commissioner~~ Building Commissioner shall notify the alderman of the ward in which the proposed work to be done is located of the issuance of such permit within 24 hours of the issuance thereof.

SECTION 25. Section 13-32-302 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-32-302 Additional fees for costs not included in calculation of permit fee.**

(a) The cost-related fees identified in items (1) through (13) of this subsection have not been calculated into the permit fee(s) required under this chapter. If a cost incurred by any city City department in connection with the issuance of a permit under this chapter has not been calculated into the permit fee required under this chapter, a fee in addition to such permit fee

may be assessed, if applicable. Such fees which shall be assessed in addition to the permit fees required under this chapter include, but are not limited to, the following:

*(Omitted text is unaffected by this ordinance)*

(12) reinspection fees related to the issuance of a permit under this chapter, if the

reinspection fee is assessed pursuant to Section 13-20-016, 13-20-051 or 13-20-420 of this Code for any of the following reasons: (i) a scheduled inspection did not take place because of the absence of, or other action or inaction by, the building's owner, agent, lessee or operator; or (ii) an extra inspection of electrical work is required under Section 13-20-420; or (iii) an emergency or specially-requested inspection is conducted under Section 13-20-016; and (13) fees for optional permit services within the meaning of subsection (b) of Section 13-32-031.

b) If a permit is sought to install any equipment regulated by the department of health Department of Health, the applicable minimum flat fee set forth in subsection (b) of section 13-32-310 shall be assessed for each piece of equipment so installed, unless all of the following requirements are met: (1) the permit fee for the work being done on any building, facility or other area where such equipment will be located is required to be calculated under subsection (a) of section Section 13-32-310; and (2) the piece of equipment to be installed in such building, facility or other area is clearly indicated on the drawings or plans accompanying the building permit application; and (3) any permit application or other form required by the department of health Department of Health to install such piece of equipment is attached to the building permit application; and (4) the department of health Department of Health reviews and approves any required drawings or plans for the installation of the piece(s) of equipment to be installed. If all of the requirements of this subsection are met, the permit fee assessed under subsection Subsection 13-32-310(a) of section 13-32-310 shall include the minimum flat fee that would otherwise apply to install such piece(s) of equipment. If all of the requirements of this subsection are not met, a separate permit application shall be required for the equipment and the minimum flat fee set forth in subsection Subsection 13-32-310(b) of Section 13-32-310 shall be assessed, as applicable, to install such piece(s) of equipment. For purposes of this subsection, "equipment regulated by the department of health" shall have the meaning ascribed to the term in section 13-32-310.

c) No city City department shall assess any fee in addition to the permit fee(s) required under this chapter, if the fee being assessed by such city City department has already been calculated into the permit fee(s) required under this chapter.

SECTION 26. Section 13-32-350 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-32-350 Permit fees inapplicable to work by the City of Chicago.**

The fees imposed by this Article II shall not apply to permits issued to the Department of Flood and Facility Management City of Chicago or any City department or agency established under Title II of this Code or to its contractors<sup>7</sup> for work undertaken for public or governmental use.

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SECTION 27. Section 13-96-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-96-030 Definitions.**

For the purposes of this Code, certain terms are hereby defined as follows:

(Omitted text is unaffected by this ordinance) (m)

"Abandoned outdoor sign" means:

i) ~~an any outdoor sign that has had no advertising or business identification message copy on it for at least six consecutive months; or~~

ii) ~~an any outdoor sign that: (A) is attached to a building or lot, and (B) identifies advertises or describes either a business that has not been located in that building or lot for at least six consecutive months or a product or service not sold or leased within that building or lot for at least six consecutive months or identifies or describes either a business or service which has either failed to obtain or maintain a valid City of Chicago business license or licenses, if required, for said building or lot; or~~

iii) an any outdoor sign for which the sign inspection fee required by this Code has not been paid and is past due for at least six consecutive months; or

iv) any sign for which any permit number for said sign has not been displayed in the manner required by Section 13-20-620 for at least six consecutive months.

(n) ~~"Abandoned outdoor sign structure" means an outdoor sign structure: that has not had a sign other than an abandoned sign attached to it for six consecutive months.~~

{ that has not had any sign copy, other than abandoned sign copy, attached to it for at least six consecutive months; or

ii) that has a sign for which the sign inspection fee required by this Code has not been paid and is past due for at least six consecutive months: or

iii) for which any permit number for said sign or sign structure has not been displayed in the manner required by Section 13-20-620 for at least six consecutive months.

SECTION 28. Section 13-96-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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**13-96-040 General requirements.**

*(Omitted text is unaffected by this ordinance)*

(e) The name of the owner shall appear on the top of all signs more than 24 square feet in area. The operation of any crane, as defined in Section 4-288-020, used to hoist either a sign or any component of a sign structure shall be operated by a licensed crane operator in accordance with Chapter 4-288 of this Code.

SECTION 29. Section 13-96-041 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-96-041 Abandoned outdoor signs and structures - Duty to report to Commissioner and revocation of permit.**

a) For purposes of this section, "sign element" or "element" means a sign, a sign structure or both, as well as any sign exterior lighting, monitoring camera or other sign-related equipment.

b) Within ten days after an outdoor sign element becomes abandoned, the owner, manager or other person in charge of the building or parcel of property containing the abandoned sign element shall: (1) notify the Building Commissioner, department of buildings in writing, on a form prescribed by the Commissioner of the abandonment; and (2) cause all abandoned elements to be removed, at his or her own cost, within thirty days of reporting the abandonment to the Commissioner, unless the Commissioner grants approval in writing for a longer removal period. Any person who violates this subsection shall be subject to a fine of not less than \$500.00 and not more than \$2,000.00 for each offense. Every Each day that a violation continues shall constitute a separate and distinct offense. Nothing in this subsection shall prevent an earlier reporting of the abandonment to the Commissioner. If a sign element is voluntarily reported to the Commissioner as abandoned, the Building Commissioner may revoke the permit for such sign element without any further notice or action.

c) ~~Failure to comply with subsection (b) of this section may result in revocation of the permit for the abandoned sign or sign structure pursuant to Section 13-20-645. Upon receiving information that an outdoor sign element has become abandoned, the commissioner of buildings shall serve notice on the owner, manager or other person in charge of the building or parcel of property on which the sign element is located. The notice shall include: the address of the building or parcel; the date of issuance of the notice; identification of the sign element as sign, structure or both; a statement that the sign element appears to be abandoned; a copy of subsection (b) of this section; and a statement that the owner, manager or other person in charge of the building or parcel may dispute the abandonment by requesting a hearing in the department of administrative hearings within seven days after the service of the notice. A notice under this subsection may be served by first class mail, with proper postage affixed, addressed~~

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~~to the owner of record of the building or property, or by delivery to the owner, manager or other person in charge by a person designated by the commissioner of buildings for that purpose. A notice served by mail shall be deemed delivered when mailed. A request for hearing shall be deemed delivered when received by the department of administrative hearings.~~

(d) ~~Upon receiving a request for a hearing in response to a notice described in subsection (c) of this section, the department of administrative hearings shall notify the commissioner of buildings and the requesting party of the time, date and place of the hearing. The hearing must be convened within 14 days after receipt of the request. If the recipient of the notice proves, by a preponderance of the evidence, either (1) that the outdoor sign element described in the notice was not abandoned on the date of the notice, or (2) that the subject outdoor sign element was removed prior to the date of the notice, the proceedings shall be terminated without cost to the recipient. If the recipient proves, by a preponderance of the evidence, that the subject outdoor sign element was removed after receipt of the notice, the recipient shall be liable for payment of the costs of the hearing, but no fine shall be imposed. If the recipient fails to request a hearing thereon within seven days, or fails to appear at the hearing, or fails to prevail at the hearing, the subject outdoor sign shall be declared abandoned. The owner, manager or other person in charge of the building or parcel shall thereupon remove the abandoned outdoor sign element, or cause its removal, within five days. If the abandoned outdoor sign element is not removed within that time, the commissioner of buildings may remove or cause the removal of the sign~~

~~element, at the expense of the owner, manager or other person in charge of the building or parcel containing the abandoned element; in this instance fines for failure to remove the abandoned sign element shall be calculated from the date of the notice under subsection (c) of this section.~~

SECTION 30. Section 13-96-490 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-96-490 Assembly occupancy Tents and canopies - Permit application requirements.**

Tents and canopies exceeding 240 square feet in area shall require a building permit based on plans submitted to the Building Commissioner, and must be erected by a ~~tent erector~~ general contractor licensed by the City; provided, however, that this provision shall not apply to a tent having a surface area of 400 feet or less if the tent will be erected, occupied or used for no more than 60 consecutive days. Plans for tents and canopies exceeding 600 square feet in area ~~must~~ shall be certified by a licensed architect or engineer. ~~Permits~~ Permit applications for tents and canopies exceeding 4,000 square feet in area shall list a general contractor licensed pursuant to Chapter 4-36 of this Code and said general contractor shall be physically present on-site during the erection of the tent or canopy and shall ensure that the work is performed in compliance with all applicable requirements of this Code ~~be applied for exclusively by the company responsible for erection of the tent or canopy; this responsibility shall not be delegated to any other person.~~ All tents and canopies shall comply with rules and regulations issued by the Building Commissioner and with the following requirements:

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(a) Application for permit shall be accompanied by:

(1) A certificate of fire resistance executed by an approved recognized testing laboratory filed with the ~~building commissioner~~ Building Commissioner certifying that such tent is flameproofed in accordance with National Fire Protection Association Standard N.F.P.A. 701. If the flameproofing as indicated on the certificate is not of the permanent type, the certificate must be dated within 360 days preceding the last date of intended use. If the tent fabric is certified as having been rendered permanently fire resistant during manufacture, or is made of an inherently fire resistant fabric, then the certificate may be dated no earlier than seven years prior to the last date of intended use. The certificate shall indicate the type of fabric, compliance with N.F.P.A. 701, and each tent's unique registration number. Each tent placed in service after the effective date of this amendment shall bear permanent identification of its fabric type, compliance with N.F.P.A. 701 and its unique registration number.

*(Omitted text is unaffected by this ordinance)*

(g) Exit and emergency lighting shall be provided for all tents exceeding 600 square feet in area that will be in use for 48 hours or longer or have interior partitions. Such tents shall be provided with the appropriate emergency lighting system, as described in Chapter 18-27 of this Code. Exit and emergency plans for tents and canopies exceeding 600 square feet in area shall be provided for review by the ~~fire commissioner~~ Fire Commissioner and electrical inspection bureau, and shall be approved prior to occupancy and use of the tent or canopy structure.

*(Omitted text is unaffected by this ordinance)*



(i) The ~~building commissioner~~ Building Commissioner may issue a conditional permit for a structure not fully meeting the wind resistance requirements, allowing the structure to be used up to a specified maximum wind velocity.

(j) Notwithstanding any certificate of fire resistance, the ~~fire commissioner~~ Fire Commissioner may at any time submit tent or canopy fabric to the field test specified in Chapter ten of N.F.P.A. Standard 701 (1989). Fabric that fails the field test shall not be used in the construction or erection of a tent or canopy.

SECTION 31. Section 13-196-206 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**13-196-206 Life safety evaluation of existing high-rise buildings.**

(A) No later than January 1, 2005, the ~~commissioner of buildings~~ Building Commissioner shall adopt by rule and publish criteria for life safety evaluations of all existing

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■ buildings exceeding 80 feet in height above grade that are not required by Section 13-196-205 to be protected throughout by an approved automatic sprinkler system. The criteria adopted pursuant to this subsection shall provide sufficient protection to life and safety of building occupants. The criteria shall be developed based on a review of available resources, including standardized building and safety codes and the practices of other municipalities.

(B) The owner of any building qualifying for any exception 3 through 7, inclusive, of Section 13-196-205 shall have the building evaluated for life safety by a licensed professional engineer or by a licensed architect; provided, however, that this requirement shall not apply to any building which is protected throughout by a previously approved automatic sprinkler system. The licensed engineer or architect shall prepare a life safety evaluation of the building in accordance with the requirements of this section and with any rules ~~and regulations~~ promulgated thereunder. The life safety evaluation shall be signed and sealed by the person who prepared it and shall contain an explicit statement acknowledging that the information contained therein is true and complete.

(C) . If, based on the use of a scoring system described by rule to conduct the life safety evaluation, the licensed professional engineer or licensed architect determines that the building achieves the minimum score required on the life safety evaluation, the licensed engineer or architect shall certify the evaluation as a life safety compliance plan and shall give the life safety compliance plan to the building owner. No later than January 1, 2006, the building owner shall submit the life safety compliance plan to the ~~department of buildings~~ Department of Buildings and ~~fire department~~ Fire Department. The life safety compliance plan shall be enforceable against the building owner and against any subsequent owner.

(D) If, based on the use of a scoring system described by rule to conduct the life safety evaluation, the licensed professional engineer or licensed architect determines that the building does not achieve the minimum score required on the life safety evaluation, the building owner shall, no later than January 1, 2006, submit the life safety evaluation to the ~~department of buildings~~ Department of Buildings and the ~~fire department~~ Fire Department along with either: (1) a proposal to protect the building throughout with an automatic sprinkler system meeting the

requirements of Chapter 15-16 of this Code unless otherwise provided by Section 13-196-207, notwithstanding any exceptions for which the building may have otherwise qualified pursuant to Section 13-196-205, and using the schedule for installation described in Section 13-196-205; or (2) a proposal for achieving the minimum score required on the life safety evaluation by making specified modifications to the building.

Any proposal submitted pursuant to this subsection shall be signed and sealed by a licensed professional engineer or by a licensed architect. In addition, any proposal submitted pursuant to item (2) of this subsection shall contain (i) an explicit statement by the licensed engineer or architect certifying that if the modifications identified in the proposal are fully implemented, the building will receive the minimum score required on the life safety evaluation; and (ii) a timetable for completion of those modifications to be phased in over a stipulated period of years, but no later than January 1, 2015, at which time the modifications identified in the proposal shall be fully implemented. Any schedule for installation or timetable required by this subsection shall be enforceable against the building owner and against any subsequent owner.

If, after reviewing the certified proposal, the ~~commissioner of buildings~~ Building Commissioner and ~~fire commissioner~~ Fire Commissioner determine that the certified proposal, when fully implemented, will enable the building to achieve the minimum score required on the life safety evaluation, the ~~commissioner~~ Building Commissioner and ~~fire commissioner~~ Fire

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Commissioner shall jointly accept the certified proposal as a life safety compliance plan. The life safety compliance plan shall be enforceable against the building owner and against any subsequent owner.

*(Omitted text is unaffected by this ordinance)*

(F) (1) Disclosure statement required when - Content of statement - Inspection of statement. Except as otherwise provided in subsection (F)(4) or (F)(5) of this section: The owner, condominium association or governing body, as applicable, of any building for which a life safety compliance plan is required under this section shall keep and maintain on file at such building a written disclosure statement containing the following information: (1) whether a life safety compliance plan for such building has been submitted to the ~~department of buildings~~ Department of Buildings and ~~fire department~~ Fire Department: (2) whether such life safety compliance plan has been approved in writing by the ~~department of buildings~~ Department of Buildings and ~~fire department~~ Fire Department: and (3) whether all of the modifications to the building required in the approved life safety compliance plan have been fully implemented at such building. Such disclosure statement shall: (i) be in writing; (ii) be true and accurate; (iii) be kept current; (iv) indicate the date on which the disclosure statement was prepared; (v) bear the printed name and signature of the building's current owner or authorized agent; and (vi) upon distribution of such disclosure statement or any copy thereof to any person, identify the date on which such distribution occurred, which date shall be signed or initialed by the building's current owner or authorized agent. Upon request by any authorized city official, the building's owner, condominium association or governing body, as applicable, shall immediately make the disclosure statement required under this subsection (F)(1) available for inspection by such authorized city official.

*(Omitted text is unaffected by this ordinance)*

4) Exemption for fully sprinklered buildings. If, as of the effective date of this amendatory ordinance of 2012, a building for which a life safety plan was required has been or is subsequently equipped throughout by an approved automatic sprinkler system, as evidenced by a written statement to such effect

jointly signed by the ~~building commissioner~~ Building Commissioner and ~~fire commissioner~~ Fire Commissioner and issued, as applicable, to the building's owner, condominium association or governing body, the disclosure requirements set forth in subsections (F)(1), (F)(2) and (F)(3) of this section shall not apply.

5) Exemption after January 1, 2015 for buildings in full compliance with an approved life safety compliance plan. If the ~~building commissioner~~ Building Commissioner and ~~fire commissioner~~ Fire Commissioner determine that a building is in full compliance with any life safety compliance plan required under this section, as evidenced by the building being listed in full compliance status on the Department's public website, ~~a written statement to such effect jointly signed by the building commissioner and fire commissioner and issued, as applicable, to the building's owner, condominium association or governing body, then, beginning on January 1, 2015,~~ the disclosure requirements set forth in subsections (F)(1), (F)(2) and (F)(3) of this section shall not apply so long as the building remains in full compliance with such plan.

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*(Omitted text is unaffected by this ordinance)*

## ARTICLE II. GARBAGE ELIGIBILITY

SECTION 1. Section 7-28-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **7-28-230 Location of standard and commercial refuse containers.**

Standard and commercial refuse containers shall be placed for collection in the following manner:

(a) (1) Except as provided in Subsection (a)(2) of this section, for For alley collections, at the alley lot line on the premises served so as to be immediately accessible to refuse collection vehicles. It shall be the duty of the property owner or his agent to provide suitable space at the alley line for such container; a container may be placed in the public way if; (i) the property does not have suitable space as determined by the ~~department~~ Department of streets and sanitation Streets and Sanitation and defined in the rules and regulations promulgated pursuant to this chapter, and (ii) the structure on the property was in existence on the effective date of this ordinance July 31. 1999.

(2) A property owner or his agent seeking City refuse collection may petition the Commissioner of Streets and Sanitation to be allowed to place one or more refuse containers in the public alley if the property owner or his agent can show: (i) that there is insufficient room to put the containers on the owner's property; (ii) that the refuse containers can be placed directly adjacent the owner's property; and (iii) that the containers can be placed so as to not obstruct traffic through the alley. The Commissioner shall reject the petition if all three conditions are not satisfied.

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

(c) No container used for the storage, collection and removal of garbage or other refuse shall be placed so as to constitute a nuisance to adjacent property or the occupants thereof. If a refuse container belonging to one property is found in a location other than one of the locations prescribed by this section, the owner of the property which the container serves shall be liable for a violation of this section.

SECTION 2. Section 7-28-235 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-28-235 City refuse collection - Fee.**

(a) The collection of refuse by the city City shall be the exclusive method for refuse collection from the following, as long as they directly abut the public way:

(1) for dwelling units:

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i) a single dwelling;

ii) a multiple dwelling containing four or fewer dwelling units;

iii) a townhouse when the refuse container is placed for collection in the public way in compliance with section 7-28-230; or

iv) a multiple dwelling that is licensed as a bed-and-breakfast establishment pursuant to Section 4-6-290 and contains four or less fewer dwelling units unless the ~~commissioner~~ Commissioner of ~~streets and sanitation~~ Streets and Sanitation determines that the establishment is producing an unreasonable amount of refuse for a building of its size, notifies the owner or owner's agent of such fact in writing, and provides the owner or owner's agent with an opportunity to correct the problem in a manner prescribed by the ~~commissioner~~ Commissioner; and

(2) all other premises receiving city City refuse collection services as of January 1, 2016; provided that:

i) after written notification to the owner of such premises, the ~~commissioner~~ Commissioner may cease city City refuse collection from such premises based upon available city City resources or operational needs; or

ii) after written notification to the ~~commissioner~~ Commissioner of ~~streets and sanitation~~ Streets and Sanitation, an owner of such premises may choose to provide for refuse collection by a licensed scavenger in compliance with applicable provisions of this code Code.

(b) The owner of any dwelling unit or premises required to have city City refuse collection pursuant to this section shall be responsible for payment of a refuse collection fee of \$9.50 per month per dwelling unit or per premises for those premises subject to subsection (a)(2). The billing of the refuse collection fee and penalties authorized by this section shall be added to and separately recited upon a unified statement of charges, as that term is defined in ~~section~~ Section 11 -12-010. The unified statement of charges shall be prepared and sent to the billed party in such time periods as established by the ~~comptroller~~ Comptroller and shall be subject to ~~section~~ Section 11-12-480(c).

The amount of the fee imposed by this subsection shall not be subject to increase from 2016 through and including 2019.

*(Omitted text is unaffected by this ordinance)*

(d) A late payment penalty assessed at a monthly rate of one and one-quarter percent shall be imposed on all refuse collection fee for which payment in full is not received within 24 calendar days from the

date the unified statement of charges was sent as shown by the records of the ~~department of finance~~ Department of Finance. Where the correctness of a charge imposed under this section is disputed and where complaint of such incorrectness has been made prior to the time the usual penalty would be imposed, and where the adjusting of such complaint requires additional time, the penalty may be held in abeyance up to and including the tenth day succeeding the resending of such bill.

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e) Whenever any refuse collection fee remains unpaid after the expiration of 24 days from the date of the unified statement of charges statement the water supply for the premises shall be subject to termination by the ~~commissioner~~ Commissioner of ~~water management~~ Water Management, and the service shall not be resumed until all accrued refuse collection fees and penalties in arrears has been paid and an amount equal to the actual costs of disconnection and reconnection shall have been paid for termination and resumption of service. The ~~commissioner~~ Commissioner of ~~water management~~ Water Management shall be responsible for termination or resumption of the sewer service.

f) (1) Unless otherwise provided by law or rule, a full payment certificate for refuse collection charges 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 for refuse collection charges, an application with an application fee of \$50.00 shall be made to the ~~comptroller~~ Comptroller. Provided, however, 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 will be jointly and severally liable for any outstanding refuse collection charges and penalties that have accrued.

(2) 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 for full payment of refuse collection charges shall be obtained from the ~~comptroller~~ Comptroller upon application and payment of an application fee of \$50.00. 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. Subsequent transfers of a unit within a condominium building subject to this section require a certificate of payment.

Where a townhome or condominium association's assessments include the individual owner's share of the refuse collection charge, the ~~comptroller~~ Comptroller may issue a certificate of condo or townhome owner payment upon application and payment of an application fee of \$50.00.

### ARTICLE III. UTILITY COMPANY EMERGENCY RESPONSE PLANS

SECTION 1. Section 7-58-010 of the Municipal Code of Chicago is hereby amended by inserting, in correct alphabetical order, the language underscored, as follows:

#### 7-58-010 Definitions.

As used in this chapter, unless the context otherwise requires:

*(Omitted text is unaffected by this ordinance)*

"Executive Director" means the Executive Director of Emergency Management and Communications.

SECTION 2. Section 7-58-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-58-020 Submittal of emergency energy plan.**

a) Every electric utility company must adopt and maintain an emergency energy plan. Every new electric utility company shall adopt its plan within 30 days after becoming an electric utility company. Every such company shall submit to the ~~commissioner of fleet and facility management, the executive director of emergency management and communications~~ Executive Director of Emergency Management and Communications, the ~~superintendent of police~~ Superintendent of Police, and the ~~fire commissioner~~ Fire Commissioner, and Commissioner of Fleet and Facility Management any emergency energy plan adopted by the company within 24 hours of the time the plan is adopted. The company shall notify those officials within 24 hours of any significant revisions to a plan and the rationale for the revisions. Such revisions shall be submitted by the company as soon as ts practicable and shall be reviewed and approved by the Executive Director in accordance with Section 7-58-030.

b) The plan shall include, at a minimum, information detailing: (1) the circumstances that would require the implementation of the plan; (2) the levels or stages of the emergency plan; (3) the potential impact of the plan on public health and safety and on the duties of the ~~city's~~ City's public health and safety agencies; (4) what steps the company has taken to mitigate those potential health or safety problems; (5) the geographic limits of each outage area; (6) the number of customers within each outage area; (7) identification of customers and facilities within each outage area for which a service interruption would pose increased risk to public health and safety, including but not limited to, hospitals, nursing homes, schools, buildings in excess of 80 feet in height, day-care centers, persons on life-support systems and water pumping stations; and (8) the anticipated sequence and duration of service interruptions.

SECTION 3. Section 7-58-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-58-030 Review of plan.**

Upon submittal submission of the emergency energy plan to the city required under Section 7-58-020, the city Executive Director, in consultation with the Superintendent of Police, Fire Commissioner, and Commissioner of Fleet and Facility Management, or their respective departmental designees, shall review the plan. In order to assure appropriate coordination with public health and safety agencies, the city Executive Director shall have the right to accept approve or reject the following elements of the plan or any element thereof based on: (1) the potential impact of the plan on public health and safety, (2) the potential impact of the plan on the duties of the city's City's public health and safety agencies; and (3) what steps the company has taken to mitigate those potential health or safety problems. Such acceptance or rejection must be made by the city, in writing, within Within 30 days after the date on which the plan was is submitted, the Executive Director shall notify the electric utility company, in writing, whether the submitted plan has been approved or rejected. If a the plan is rejected, the reasons therefor shall be stated in writing. In such case, a revised plan shall be re submitted within 30 days after notice of the rejection is given, the electric utility company shall submit a revised plan to the Executive Director, Superintendent of Police, Fire Commissioner and Commissioner of Fleet

and Facility Management, or their respective designees. The city Following consultation with the Superintendent of Police, Fire Commissioner and Commissioner of Fleet and Facility Management, the Executive Director shall accept approve or reject the revised plan, in writing, within 30 days after the date on which it was is resubmitted. An electric utility company is shall be in violation of this chapter if it such company fails to have in place an emergency energy plan approved by the eity Executive Director within 120 days after the plan was is required to be submitted under subsection 7-58-020(a).

SECTION 4. Section 7-58-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-58-040 Implementation of emergency energy plan.**

a) Whenever an electric utility company determines that it is necessary to implement an emergency energy plan, the company shall notify the ~~commissioner of fleet and facility management~~, the Executive Director ~~executive director of emergency management and communications~~, the superintendent Superintendent of police Police, and the fire commissioner Fire Commissioner, and Commissioner of Fleet and Facility Management, or their respective designees, pursuant to a notification procedure approved by the ~~commissioner of fleet and facility management~~ Executive Director after consultation with the superintendent Superintendent of police Police, and the fire commissioner Fire Commissioner, and Commissioner of Fleet and Facility Management. The notification shall be made as soon as practicable and shall be made prior to implementation of the plan. The ~~commissioner of fleet and facility management~~ Executive Director may waive the notice requirement to accommodate exigent circumstances.

b) Notice of the implementation of each level or stage of the emergency energy plan shall be made under this section pursuant to rules promulgated by the ~~commissioner of fleet and facility management~~ Executive Director after consultation with the ~~executive director of emergency management and communications~~, the superintendent Superintendent of police Police, and the fire commissioner Fire Commissioner, and Commissioner of Fleet and Facility Management. The notification shall be made for each of the following actions:

*(Omitted text is unaffected by this ordinance)*

(6) such other actions requiring notice pursuant to rules promulgated by the ~~commissioner of fleet and facility management~~ Executive Director under this section.

*(Omitted text is unaffected by this ordinance)*

(d) Whenever an electric utility company implements an emergency energy plan, the company shall provide appropriate personnel, as determined by the Executive Director, to staff the city's office of emergency management and communications City's Office of Emergency Management and Communications and any other eity City emergency response facilities facility that the Executive Director determines requires such staffing while the company's emergency energy plan is being implemented.

SECTION 5. Section 7-59-010 of the Municipal Code of Chicago is hereby amended by inserting, in correct alphabetical order, the language underscored, as follows:

## 7-59-010 Definitions.

As used in this chapter, unless the context otherwise requires:

"Executive Director" means the Executive Director of Emergency Management and Communications.

*(Omitted text is unaffected by this ordinance)*

SECTION 6. Section 7-59-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 7-59-020 Submission of natural gas emergency response plan.

a) Every gas utility company must adopt and maintain a natural gas emergency response plan. Every new gas utility company shall adopt its plan within 30 days after becoming a gas utility company. Every such company shall submit a natural gas emergency response plan to the ~~commissioner of fleet and facility management, the executive director of emergency management and communications~~ Executive Director, the ~~superintendent of police~~ Superintendent of Police, and the ~~fire commissioner~~ Fire Commissioner, no later than 24 hours of the time the plan is adopted. The company shall notify those officials, within 24 hours, of any significant revisions to the plan and of the rationale for the revisions. Such revisions shall be submitted by the company as soon as te practicable and shall be reviewed and approved by the Executive Director in accordance with Section 7-59-030.

b) The natural gas emergency response plan shall include, at a minimum, information detailing: (1) the circumstances that would require the implementation of the plan; (2) an identification and complete description of the levels, stages or steps of the plan; (3) the potential impact of implementation of the plan on public health and safety and on the duties of the eity<sup>^</sup>s City's public health and safety agencies; (4) the actions the company has taken to mitigate potential health or safety problems; (5) and the identification of customers and facilities for which a service interruption would pose increased risk to public health and safety, including but not limited to, apartment buildings, nursing homes, schools, day-care centers, persons in critical health or life-support environments.

c) The natural gas emergency response plan shall include general system operations information, including, but not limited to: (1) an overview of the gas distribution system, including a description of each of the major components of a gas distribution system that is necessary for proper operation of the system; (2) an electronically mapped version of the utility's system infrastructure, including mains and other gas distribution equipment serving two or more end-user gas consumers; (3) descriptions of the types of emergencies that are or can be experienced by each of the major components of a gas distribution system as described in (1) above; (4) descriptions of how each type of emergency is remedied by the company; and (5) descriptions of the types and frequency of emergencies experienced on the company's system during the past year. The information required by this paragraph shall be updated on an annual basis and provided to the city Executive Director by September 1 of each year.

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SECTION 7. Section 7-59-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 7-59-030 Review of plan.



Upon submission of the natural gas emergency response plan to the city required under Section 7-59-020, the city Executive Director, in consultation with the Superintendent of Police and Fire Commissioner, or their respective departmental designees, shall review the plan. To In order to assure appropriate coordination with public health and safety agencies, the city Executive Director shall have the right to accept approve or reject the following elements of the plan or any element thereof based on: (a) the potential impact of implementation of the plan on public health and safety, (b) the potential impact of implementation of the plan on the duties of the city's City's public health and safety agencies; and (c) what steps the company has taken to mitigate those potential health or safety problems.

~~Such acceptance or rejection must be made by the city, in writing, within~~ Within 30 days after the date on which the plan was submitted. ~~If a plan is rejected,~~ If a plan is rejected, the Executive Director shall notify the gas utility company, in writing, whether the submitted plan has been approved or rejected. If the plan is rejected, the reasons therefor shall be stated in writing. ~~A revised plan shall be resubmitted~~ In such case, within 30 days after notice of the rejection is given, the gas utility company shall submit a revised plan to the Executive Director, Superintendent of Police and Fire Commissioner, or their respective designees. ~~The city~~ Following consultation with the Superintendent of Police and Fire Commissioner, the Executive Director shall accept approve or reject the revised plan, in writing<sup>^</sup> within 30 days after the date on which it was the plan is resubmitted. A gas utility company is shall be in violation of this chapter if it such company fails to have in place a natural gas emergency response plan approved by the city Executive Director within 120 days after the plan was is required to be submitted under subsection 7-59-020(a).

The gas utility company shall, on an annual basis, make available the appropriate operations personnel to meet with the city's City's public health and safety agencies to assure appropriate coordination between the company and the city City.

SECTION 8. Section 7-59-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-59-040 Implementation of natural gas emergency response plan when demand exceeds or is at significant risk of exceeding the supply of gas.**

(a) Whenever a gas utility company determines that it may be necessary to implement a natural gas emergency response plan because projected demand for gas exceeds<sup>7</sup> or is at significant risk of exceeding<sup>7</sup> the projected supply of gas, the company shall notify the commissioner of fleet and facility management, the Executive Director executive director of emergency management and communications, the superintendent Superintendent of police Police and the fire commissioner- Fire Commissioner, or their respective designees, pursuant to a notification procedure approved by the commissioner of fleet and facility management Executive Director after consultation with the superintendent Superintendent of police Police

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and the fire commissioner Fire Commissioner. The notification shall be made by the company as soon as practicable and shall be made prior to implementation of the plan. The commissioner of fleet and facility management Executive Director may waive the notice requirement to accommodate exigent circumstances.

(b) Notice of the implementation of each level, stage or step of the natural gas emergency response plan shall be made by the company pursuant to rules promulgated by the commissioner of fleet and facility management Executive Director after consultation with the superintendent Superintendent of police Police and the fire commissioner Fire Commissioner. This Such notice shall be made immediately upon the determination that the level, stage or step may be necessary. Whenever practical, the such notification shall be made at least two hours prior to the implementation of the level, stage or step and in no case shall the notification be made

less than 30 minutes prior to such implementation.

*(Omitted text is unaffected by this ordinance)*

(d) Whenever a gas utility company implements a natural gas emergency response plan because demand for gas exceeds<sup>7</sup> or is at significant risk of exceeding<sup>7</sup> the supply of gas, the company shall provide appropriate personnel, as determined by the Executive Director, to ~~assist in staffing~~ to staff the City's Office of Emergency Management and Communications and any other emergency response facilities facility that the Executive Director determines requires such staffing while the company's natural gas emergency response plan is being implemented.

SECTION 9. Section 7-59-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**7-59-050 Implementation of natural gas emergency response plan during a gas pipeline emergency or an unplanned interruption of delivery or distribution.**

(a) Whenever a gas utility company determines that it is necessary to implement a natural gas emergency response plan because of a gas pipeline emergency in the City or because of an unplanned interruption of delivery or distribution of gas to more than ten customers due to a single event or the company's response to the event, the company shall notify the ~~commissioner of fleet and facility management,~~ the executive director Executive Director of emergency management and communications Emergency Management and Communications, the ~~superintendent of police~~ Superintendent of Police and the fire ~~commi~~ ssioner Fire Commissioner, or their respective designees, pursuant to a notification procedure approved by the ~~commissioner of fleet and facility management~~ Executive Director after consultation with the ~~superintendent of police~~ Superintendent of Police and the fire ~~commissioner~~ Fire Commissioner. The notification from the utility shall include: (1) location of incident; (2) location of utility infrastructure in the vicinity of the incident; (3) estimated time to eliminate immediate danger to public health and safety; (4) estimated time of service restoration to customers and proposed method or order that will be used to restore service; (5) the number of customers affected; (6) geographic boundaries of the area affected; (7) critical facilities affected; (8) immediate updates concerning the information provided under subparagraphs (3), (4), (6) and (7) of this paragraph to the extent that information previously provided has changed, and periodic updates regarding the incident if there is no change to information previously

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provided; and (9) any necessary or appropriate additional details required by the Executive Director.

*(Omitted text is unaffected by this ordinance)*

(c) Whenever a gas utility company implements a natural gas emergency response plan because delivery or distribution of gas is interrupted, the City Executive Director may request, and the company shall provide, appropriate personnel, as determined by the Executive Director, to ~~assist in staffing~~ staff the City's Office of Emergency Management and Communications and any other City emergency response facilities facility that the Executive Director determines requires such staffing while the company's natural gas emergency response plan is being implemented.

**ARTICLE IV. ENVIRONMENT**

SECTION 1. Section 11-4-120 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**11-4-120 Definitions.**

*(Omitted text is unaffected by this ordinance)*

"Recycling facility" means any building, portion of a building or area in which Type A, Type B, Type C or Type D recyclable material, as defined in Section 11-4-2510, is collected, stored, or processed for the purpose of marketing the material for use as a product or as raw material in the manufacturing process of new, reused or reconstituted products. For classes of recycling facilities see Section 11-4-2540. A "recycling facility" shall not include any motor vehicle repair shop licensed pursuant to Chapter 4-228 of this Code.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 11-4-610 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**11-4-610 Definitions.**

*(Omitted text is unaffected by this ordinance)*

"Process equipment" means any equipment or device used in any industrial, commercial, or manufacturing operations for the mechanical, thermal, or chemical treatment or processing of a raw material, product, or byproduct, and which emits or has the potential to emit air contaminants. Process equipment includes, but is not limited to, tanks, kettles, converters, CNC machines, kilns, ovens, non-residential food preparation units vented to the outdoor atmosphere via a hood, crucibles, stills, dryers, roasters, crushers, grinders, blenders, mixers, reactors, regenerators, separators, filters, spray booths, columns, classifiers, screeners, quenchers, cookers, washers, scrubbers, mills, condensers, absorbers, balers, compactors,

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unfired pressure vessels, indirect fired vessels, unit heaters, infrared heaters, makeup air units with heating elements, agitators, and sedimentation and classification devices. Process equipment also includes, but is not limited to, equipment or devices required for water conditioning, treatment of industrial and municipal wastes, metallurgical processing, pulp and paper production, food processing, dry cleaning, petrochemical production and other similar operations.

*(Omitted text is unaffected by this ordinance)*

SECTION 3. Section 11-4-760 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**11-4-760 Handling and storage of material susceptible to becoming windborne.**

a) Material handling: No person shall cause or permit the use, handling, loading, unloading, storing, depositing, or scattering of any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize air ~~pollution~~ windborne particulate matter.

b) Material storage: No person shall operate or maintain, or cause to be operated or maintained, any building, structure, premises, open area, right-of-way or enterprise which contains, uses or involves any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize ~~air pollution~~ windborne particulate matter.

(c) Material piles: Owners and operators of, and general contractors and subcontractors working at, ~~of construction sites with material piles or any general contractor or subcontractor working on construction sites~~ shall employ dust control measures ~~for material piles. Those measures shall to ensure that no visible dust or dirt from material piles migrates off the construction site or onto the public ways.~~ Work with material piles shall be suspended as necessary during high winds (in excess of 15 miles per hour) unless alternate measures are implemented to effectively control dust.

(d) Track out onto the public way: ~~Property owners~~ Owners and operators of, ~~of and any general contractor or subcontractor working at, on construction any property sites~~ shall ensure that mud, dirt, and other debris is not tracked out onto the public way. The ~~commissioner~~ Commissioner or the ~~commissioner~~ Commissioner of the ~~department of streets and sanitation~~ Department of Streets and Sanitation may require property owners, operators, general contractors and subcontractors to employ a street sweeper, water truck, truck wash, or other device to control the track out of mud, dust, and debris onto the public way.

*(Omitted text is unaffected by this ordinance)*

SECTION 4. Section 11-4-2170 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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**11-4-2170 Demolitions and renovations: permit and notification requirements; performance standards for asbestos abatement; control and disposal of dust and debris.**

(a) Demolition of buildings, facilities or other structures: notice of intent to demolish required. No demolition of a building, facility or other structure shall be initiated within the city City unless a written notice of intent to demolish, accompanied by the fee required by this section, has been filed with, and approved by, the ~~department of health~~ Department of Health at least ten working days prior to the commencement of demolition. The ten working day period shall not apply if the building, facility or other structure to be demolished has been found to be structurally unsound and in danger of imminent collapse by the ~~building commissioner~~ Building Commissioner or state authority or court of competent jurisdiction; provided, however, any person or contractor demolishing such building, facility or other structure shall file a written notice with the ~~department of health~~ Department of Health regarding such demolition as soon as practicable, but no later than one day before the start date of the demolition, and must have a properly licensed asbestos abatement contractor on site during the demolition.

*(Omitted text is unaffected by this ordinance)*

SECTION 5. Section 11-4-2510 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

## 11-4-2510 Definitions.

*(Omitted text is unaffected by this ordinance)*

Recycling facility means any building, portion of a building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. A "recycling facility" shall not include any motor vehicle repair shop licensed pursuant to Chapter 4-228 of this Code, shall have the meaning ascribed to that term in Section 11-4-120. For classes of recycling facilities, see Section 11-4-2540.

*(Omitted text is unaffected by this ordinance)*

## ARTICLE V. CEASE AND DESIST ORDERS

SECTION 1. Section 2-22-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 2-22-040 Commissioner of ~~buildings~~ Buildings - Powers and duties.

The duties of the ~~commissioner of buildings~~ Commissioner of Buildings shall be:

1. (a) to enforce the provisions of the building code, including all rules and ~~regulations~~ promulgated thereunder;

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to establish a compliance procedure to determine whether violations have

2. (a) to examine and approve plans, and to issue all permits, as may be required by this Code;

b) to suspend or revoke permits issued: (i) in error; (ii) for work contrary to this Code; or (iii) based on false information, or when work performed either exceeded or was contrary to the scope of the permit or the approved plans;

c) the ~~commissioner~~ Commissioner may promulgate rules for the suspension or revocation of permits under subsection 2(b) of this section consistent with the requirements of due process of law;

3. to examine, regulate, license, certify or register the occupations and professions involved in the permitting or the construction, erection, addition, alteration, repair, rehabilitation, demolition or maintenance of buildings or structures and related mechanical systems pursuant to this Code. The ~~commissioner~~ Commissioner shall have the powers reasonable and necessary to carry out such duties, including, but not limited to:

*(Omitted text is unaffected by this ordinance)*

(g). suspending or revoking any license, registration or certification issued under the provisions of this Code for cause as set forth in Section 13-8-140 of this Code, or pursuant to the child support compliance provisions of Section 4-4-152 of this Code, or upon determination by the ~~commissioner~~

Commissioner that the licensee or registrant shall have violated any other provision of this Code or any of the statutes of the state related to the regulated or registered occupation; provided, however, that where the license, registration or certification suspension or revocation is based on Section 4-4-152 of this Code, the hearing shall be administered pursuant to the rules of that section;

*(Omitted text is unaffected by this ordinance)*

(j) reviewing the permit fees set forth in Chapter 13-32 at least once every three years, as measured from January 1, 2009<sup>^</sup>;

(k) issuing a cease and desist notice to any person performing work or offering to perform work without first having obtained the proper license, certification or registration;

4. to establish any other necessary rules ~~and regulations~~ as may be required by this Code in furtherance of the powers and duties prescribed herein;

5. to give public notice of any proposed rule ~~or regulation~~, prior to its effective date, in one or more newspaper of general circulation and in no case shall the publication be less than ten days prior to the effective date of the proposed rule ~~or regulation~~, or an amendment to the rule ~~or regulation~~. Such public notice shall include information concerning where the rule ~~of regulation~~ can be reviewed and where comments may be directed;

*(Omitted text is unaffected by this ordinance)*

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7. to investigate and make recommendations, from time to time, to the ~~mayer~~ Mayor, with respect to additions or revisions of this Code, as may be necessary for the enforcement and regulation required by this chapter;

8. to require that an inspection under his jurisdiction and required by this Code be undertaken pursuant to the mandate of, rather than by, the department. The ~~commissioner~~ Commissioner may authorize such mandated inspections if as a result of such inspections, documents are provided to the department that enable the department to conclude that the inspection has satisfactorily served its purpose<sup>^</sup>

9. except for approvals granted by the Zoning Administrator and governed by section 17-14-0202-O of the zoning ordinance, to issue any permits or grant any approvals relating to the construction and demolition of buildings or other structures, including permits and approvals on behalf of any other department or office, including any of the following: the Departments of Buildings, Water Management, Transportation, Streets and Sanitation, Planning and Development, Public Health or Finance; the Fire Department and the Mayor's Office for People with Disabilities; and in such cases any reference in this code to such other departments or offices may be considered a reference to the Department of Buildings or the Commissioner of the Department of Buildings<sup>^</sup>

10. T-e to exercise the powers and to perform the duties given to the ~~commissioner~~ Commissioner in the Chicago Zoning Ordinance.

SECTION 2. Section 2-25-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**2-25-050 Powers and duties of the department.**

a) General powers and duties. The ~~commissioner~~ Commissioner and department shall have powers and duties related to business affairs and consumer protection as set forth in this section and elsewhere in this chapter and Code.

b) Powers and duties of the ~~commissioner~~ Commissioner and the department. The powers and duties of the ~~commissioner~~ Commissioner and department shall be as follows:

- 1) To provide a gateway to assist businesses in obtaining eity City licenses;
- 2) To advocate on behalf of businesses and consumers to facilitate their interaction with eity City departments;
- 3) To provide ongoing assistance to start-up and existing businesses;
- 4) To serve as the ~~mayer's~~ Mayor's designee and to exercise the powers and perform the duties and responsibilities of the mayor- Mayor regarding all matters pertaining to eity City business licenses, including but not limited to:

(i) processing and reviewing license applications;

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ii) investigating applicants and licensed businesses for compliance with the requirements of this Code or any other applicable law related to licensing;

iii) enforcing ordinances and statutes related to licensing and all applicable rules and regulations promulgated thereunder, including through the issuance of cease and desist orders for engaging in unlicensed business activity;

iv) conducting license disciplinary hearings and proceedings; and

v) issuing orders to rescind, revoke or suspend licenses and to impose fines for violation of the requirements of this Code or any other applicable law related to licensing.

Provided, however, that in the event the ~~mayer~~ Mayor designates a local liquor control commissioner, said local liquor control commissioner shall exercise the license-related powers, duties and responsibilities as are vested in the local liquor control commissioner pursuant to the Local Liquor Control Act of 1934, as amended, and this Code;

(5) To exercise all powers and perform all duties relating to the issuance, suspension and revocation of licenses and the investigation and discipline of licensees previously given to the department of business affairs and licensing pursuant to this Code, the Liquor Control Act of 1934 or any other law. Provided, however, that in the event the ~~mayer~~ Mayor designates a local liquor control commissioner, said local liquor control commissioner shall exercise the license-related powers, duties and responsibilities as are vested in the local liquor control commissioner pursuant to the Local Liquor Control Act of 1934, as amended, and this Code;

relate to:

(6) To exercise all rights, powers, duties, obligations and responsibilities that

i) the issuance or rescission of licenses and public way use permits;

and

ii) the enforcement of license, permit and business taxation requirements formerly administered by the department of business affairs and licensing. Provided, however, that nothing in this item (6) shall be construed to limit the powers of the ~~department of finance~~ Department of Finance provided for in ~~chapter~~ Chapter 2-32 of this Code;

(7) To prepare, establish, maintain and preserve the following records:

(i) ~~statistical records containing information required by the commissioner~~ Commissioner to be provided by licensees and permittees pertaining to any license or permit issued by the department or otherwise compiled by the department at the request of the ~~commissioner~~ Commissioner or ~~mayor~~ Mayor. Such records shall be reported to the ~~mayor~~ Mayor as often as the ~~mayor~~ Mayor may deem necessary or appropriate;

*(Omitted text is unaffected by this ordinance)*

(9) To take such actions as may be necessary or appropriate to investigate, make findings, prosecute or request prosecutions by the ~~corporation counsel~~ Corporation Counsel for the purpose of:

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i) enforcing ordinances relating to licenses and public way use permits and applications and fees therefor, and business taxes and license and permit fees receivable by the City of Chicago; and

ii) determining whether all persons required by this Code to pay any tax or to secure any license, permit or franchise have complied with such requirements. In cases of evasion of payment or failure to obtain the necessary license, permit or franchise, the ~~commissioner~~ Commissioner shall issue the appropriate notice of violation and may request the ~~corporation counsel~~ Corporation Counsel to institute an appropriate legal proceeding to enforce such requirements and collections;

*(Omitted text is unaffected by this ordinance)*

11) To adopt such orders as the ~~commissioner~~ Commissioner may deem to be necessary or appropriate for the proper administration and enforcement of the provisions of this Code;

12) To adopt, in accordance with the requirements of section 2-25-120, such rules ~~or regulations~~ as the ~~commissioner~~ Commissioner may deem to be necessary or appropriate for the proper administration and enforcement of the provisions of this Code;

13) To authorize, subject to city ~~City council~~ Council approval, the leasing of ~~city~~ City conduits, tunnels or lateral connections;

14) To determine the rate of compensation for any privilege granted in any public way or public place according to rates established therefor and to advise the ~~city council~~ City Council in fixing such rates where none is established;

15) To investigate, including the power:

(i) to determine whether all persons required by this Code to pay any tax or to secure any license, permit or franchise have complied with such requirements. Provided, however, that nothing in this



item (15) shall be construed to limit the powers of the department of finance provided for in chapter 2-32. Provided further, that if the department finds that further investigation into a tax matter is warranted, the ~~commissioner~~ Commissioner shall notify the ~~department of finance~~ Department of Finance of such findings;

*(Omitted text is unaffected by this ordinance)*

iii) to make such investigations as the ~~commissioner~~ Commissioner deems to be necessary or appropriate for the proper performance of his ~~or her~~ the Commissioner's functions; and

16) To enter into agreements or contracts with the state or federal government or with state or federal agencies for the purpose of submitting fingerprints and fees for criminal background checks of licensees and license applicants as required by law. Such agreements and contracts shall be subject to approval by the ~~corporation counsel~~ Corporation Counsel as to form and legality^

17) To enter into and execute sponsorship agreements with sponsors of department events, programs and initiatives. Such sponsorship agreements shall contain such

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terms and conditions that the ~~commissioner~~ Commissioner deems to be appropriate. All sponsorship agreements shall be subject to the approval of the ~~corporation counsel~~ Corporation Counsel as to form and legality. For purposes of this item (17), "sponsors" means those persons providing money or other in-kind goods or services to the city City in exchange for advertising or promotional rights at department events, programs or initiatives. Persons meeting the definition of "sponsor" as herein defined may, in the discretion of the ~~commissioner~~ Commissioner, and upon such terms as the ~~commissioner~~ Commissioner determines, sell goods and services to the public at such events, programs or initiatives^

*(Omitted text is unaffected by this ordinance)*

19) To supervise the investigation, execution and enforcement of the Chicago Minimum Wage and Paid Sick Leave Ordinance, Chapter 1-24 of this Code, the Toy Safety Ordinance, Chapter 7-36 of this Code, the Condominium Ordinance, Chapter 13-72 of this Code, and any other ordinance administered or enforced by the department, including all rules ~~or regulations~~ pertaining thereto or promulgated thereunder;

20) To administer and enforce all ordinances relating to public passenger vehicles and ambulances; provided that the ~~comptroller~~ Comptroller shall administer section Section 4-68-130;

*(Omitted text is unaffected by this ordinance)*

22) To investigate and to make recommendations, from time to time, to the ~~mayor~~ Mayor with respect to additions to or revisions of this Code as may be necessary for the enforcement and regulation of the duties and powers described herein;

23) To enforce the provisions of Title IV of this Code, including all rules and ~~regulations~~ promulgated thereunder, except as otherwise provided in subsections (b)(4) and (b)(5) of this section, and to oversee the enforcement of Chapters 4-280 and 4-284 of this Code and of the various cable franchises awarded by the city City ~~council~~ Council;

*(Omitted text is unaffected by this ordinance)*

27) To stamp, with a suitable seal, all weights, measures, scales and weighing and measuring devices determined by the ~~commissioner~~ Commissioner to be accurate and to deliver to the owner (s) thereof a certificate of its accuracy. The ~~commissioner~~ Commissioner shall also provide a table of tolerances and specifications in conformity with those approved by the National Bureau of Standards. Once

the ~~commissioner~~ Commissioner has caused a stamp or seal to be affixed to any weight, measure, scale, weighing or measuring device as provided herein, it shall be unlawful for any person to remove, destroy or erase such stamp or seal;

28) To establish a compliance procedure to determine whether any violation relating to Section 2-25-090 has ~~been~~ corrected. Except as otherwise provided in this Code, if such violation(s) is not corrected within 30 days from date of the first inspection showing such violation(s) to exist, a request for prosecution shall be forwarded to the ~~corporation counsel~~ Corporation Counsel. Provided, however, that if within such 30 day period the person subject to prosecution presents to the commissioner. Commissioner an executed contract for the completion of the work necessary to correct such violation(s) and obtains all permits for such work required by this Code, prosecution may be withheld for a period not to exceed 45 days;

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29) (a) To operate and maintain one or more scales to weigh vehicles that operate on the public way(s) of the eity City in order to determine whether such vehicles are in violation of the weight limitations imposed by Chapter 9-72 of this Code, and to enforce such limitations;

(b) The ~~commissioner~~ Commissioner may issue a notice of violation and seek administrative fines for violations of any weight limitation imposed by this Code as well as institute an action with the ~~department of administrative hearings~~ Department of Administrative Hearings in order to determine liability and to seek administrative fines for violations of any weight limitation imposed by this Code;

(e) Any finding by the department of administrative hearings of a violation of any vehicle weight limitation set forth in Chapter 9-72 of this Code and the imposition of any fine thereunder may be appealed to the circuit court as provided by law;

30) To take any and all actions necessary or helpful to enforce all child support compliance ordinances set forth in this Code, including, but not limited to, investigating the child support payment records of all eity City license applicants, licensees, applicants for employment, employees, bidders, potential contractors, contractors, loan applicants, borrowers and, where applicable, any substantial owner thereof;

31) To review eity City records regarding property owners who pay eity City water bills and persons who have worker's compensation claims against the eity City, and in cooperation with the ~~commissioner~~ r Commissioner of water management Water Management and ~~corporation counsel~~ Corporation Counsel, respectively, (i) to identify those owners and claimants with child support delinquencies, and (ii) to provide information, to the extent allowed by law, on such owners and claimants to the appropriate Cook County and State of Illinois governmental entities and to assist those offices in enforcement of child support obligations, and (iii) to provide, to the extent allowed by law, the names of such property owners or claimants, and, if known, the business address of such property owners or claimants, to persons or their legal representatives seeking to enforce court-ordered child support arrearages and child support withholding notices on the condition that such information be used solely for the purpose of assisting in enforcement of child support obligations. Provided, however, that the names and identifying information of persons seeking to enforce child support orders shall be deemed to be confidential;

*(Omitted text is unaffected by this ordinance)*

(35) To administer and enforce Section 10-36-265 jointly with the ~~commissioner~~ Commissioner of aviation Aviation.

SECTION 3. Section 4-4-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### 4-4-010 License - Required - Violation - Penalty.

It shall be unlawful for any person to operate any business for which a City of Chicago license is required without first having obtained the required license(s) for such business. Each location at which a business operates requires a license must be separately licensed. Except

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as otherwise provided in Title 4, any person violating this section shall be fined not less than \$250.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 4. Section 4-4-015 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### 4-4-015 Closure order - Violation - Penalty.

a) The Commissioner is authorized to order a business closed, in whole or in part: ~~Any unlicensed business may be immediately closed by the commissioner~~

1) for engaging in unlicensed business activity, until all the required licenses are license is obtained<sup>^</sup> or

2) for failing to pay any required license fee or to renew a license. The Commissioner shall issue a 10-day notice of violation before any closure under this subsection (a)(2) may take place.

For the purposes of this Chapter, a business that has been issued a cease and desist order for a particular business activity shall be considered closed as to that business activity.

b) The failure to pay any required license fee or to renew a license shall constitute grounds for the commissioner to close any business. Provided, however, that the commissioner shall issue a 10-day notice of violation before any closure under this subsection (b) may take place. If the Commissioner orders a business closed, whether in its entirety or as to one or more business activities, the Commissioner shall post a notice or sign on the licensed premises indicating that the business is closed in its entirety or as to specific business activities and is prohibited from engaging in them. No person shall remove any such notice or sign unless and until the business reopens, whether in its entirety or as to the closed business activities, in compliance with the Code.

c) Any person who continues to operate a business which has been closed, in whole or in part, by the ~~commissioner~~ Commissioner pursuant to this section shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition to any other penalty provided by law, such violation may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.

SECTION 5. The amendments in this Article V pertaining to the Building Commissioner's power to issue cease and desist notices and orders are intended to clarify, rather than to change, existing law.

## ARTICLE VI. GARAGES

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

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

*(Omitted text is unaffected by this ordinance)*

(18) Commercial Garage - ~~Public~~ (4-232) \$19.80/300 sq. ft.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. The header of Article IV of Chapter 4-232 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

## ARTICLE IV. ~~RUBK-iC~~ COMMERCIAL GARAGES

SECTION 3. Section 4-232-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **4-232-150 License - Required.**

No person shall engage in any of the following the business activities ("covered business activity") without first having obtained a commercial garage license under this Article IV: ef-a (1) public garage, or (2) accessory garage ~~without first having obtained a public garage license therefor~~. The covered business activity authorized under a commercial garage license shall be stated on the face of such license.

SECTION 4. Section 4-232-160 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **4-232-160 License - Application - Investigation.**

An application for said a commercial garage license under this Article IV shall be made in conformity with the general requirements of this Code relating to applications for licenses. The In addition to the requirements set forth in Section 4-4-050, the applicant shall, if applicable, also specify the construction of said the building in which the garage is located, the number of stories in such building, and the number of square feet of floor area in each of the stories in such building.

SECTION 5. Section 4-232-170 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-232-170 License - Classification - Fee.**

The fee for a public commercial garage license shall be as set forth in Section 4-5-010.

SECTION 6. Section 4-232-310 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-232-310 License revocation.**

The ~~mayor~~ Commissioner shall have the right to revoke, in accordance with Section 4-4-280, the license of any ~~such public or accessory~~ commercial garage within the meaning of Section 4-232-150 for the any violation of any ~~of the provisions of this chapter~~, and may withhold the issuance of any new license on account of any conviction thereunder.

**ARTICLE VII: ISSUING AND REVOKING LICENSES**

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

**4-4-060 License - Application and renewal - Inspection or investigation.**

a) All applications for a license submitted to the ~~department~~ Department shall be reviewed and approved by the ~~zoning administrator~~ Zoning Administrator for compliance with the Chicago Zoning Ordinance.

b) Upon receipt of an application for a license, the ~~commissioner~~ Commissioner shall transmit to the appropriate departments or boards all information necessary for any required investigation, inspection or approval. Within ten days after receipt of such information, the head of the applicable department or board shall investigate the applicant or inspect the business premises, as appropriate, and shall provide the ~~commissioner~~ Commissioner with a written report summarizing the results of such investigation or inspection, or, if applicable, whether the license applicant has sufficiently self-certified the requirements necessary for approval of the application. The ~~commissioner~~ Commissioner is also authorized to examine the applicant for a license or renewal thereof or its controlling persons under oath, and to examine the books and records of any such applicant. If the applicant fails to appear to answer any question or to produce any book(s) or record(s) required to be produced, such failure shall be sufficient grounds to disapprove the license application. Within two business days of receipt of such written report, the ~~commissioner~~ Commissioner shall ~~transmit the application and accompanying report to the mayor, along with the commissioner's recommendation to approve or disapprove the license application.~~

If the ~~mayor~~ Commissioner determines that the applicant and all controlling persons have complied with all ~~of the~~ requirements necessary for the license to be issued, and that the

location of the business and the condition of the premises are proper, and that the license applicant is in compliance with all laws and provisions of the Code applicable to the business identified in the license application, the ~~mayer~~ Commissioner shall ~~authorize the issuance of~~ issue such license.

If the ~~mayer~~ Commissioner disapproves the license application or renewal, the ~~mayer~~ Commissioner shall notify the applicant in writing of the reasons for such disapproval. Such notice shall be sent to the applicant, by first class mail addressed to the applicant at the address identified in the license application, within five calendar days after the date on which such disapproval occurred occurs. Within ten calendar days after such notice is mailed, the license applicant may make a written request to the ~~mayer~~ Commissioner for a hearing on the disapproved application. Within ten calendar days after such written request for a hearing is made, a public hearing shall be authorized before a hearing ~~examiner~~ officer appointed by the ~~mayer~~ Commissioner. Such public hearing shall be commenced within ten calendar days after such hearing is authorized. Within 14 calendar days after completion of such hearing, the hearing ~~examiner~~ officer shall report ~~to~~

(c) Except for licenses issued pursuant to Chapter 4-60 or Articles III, V or VI of Chapter 4-156 of this Code: The license review process shall be completed within 90 calendar days after the license application is filed. If the license review process is not completed within 90 calendar days after the license application is filed, the license application fee shall be forfeited to the city City and a new application and filing fee submitted to the ~~department~~ Department after expiration of such 90-day period, unless the delay in completing the license review process was caused by the city City or is solely due to the failure to complete building inspections.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. 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.**

(a) The ~~mayer~~ Commissioner shall have the power to fine a licensee<sup>7</sup> and/or to suspend or revoke any license for good and sufficient cause or if the issuing department determines that the licensee or its employee or agent has violated any provision of this Code or any rule ~~or regulation~~ promulgated thereunder or any applicable state or federal law. Provided, however, that no license shall be suspended or revoked unless the licensee is first given five calendar days' written notice of a public hearing, which shall provide the licensee with an opportunity to appear and defend. Such public hearing shall be held before a hearing officer, who shall report ~~his or her~~ the findings to the ~~mayer~~ Commissioner.

The ~~mayer~~ Commissioner shall have the right to examine the books and records of any licensee upon whom notice of a public hearing has been served.

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If, after such hearing, the ~~mayer~~ Commissioner imposes a fine and/or suspends or revokes the applicable license, the ~~mayer~~ Commissioner shall, within 60 calendar days after the hearing is completed<sup>7</sup>: (1) state the reason(s) for such determination in a written order; (2) serve a copy of such order upon the licensee; and (3) post a notice or sign on the licensed premises indicating that the business has been closed, if applicable. No person shall remove any notice or sign indicating that a business has been closed by official order until such time, if any, that a business reopens in compliance with the provisions of this Code.

If the ~~mayer~~ Commissioner determines that a fine is an appropriate penalty, the amount of the fine shall not exceed the fine imposed in the chapter creating the subject license. If no fine is specified in that

chapter, the fines specified in this chapter shall apply.

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

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

SECTION 3. Section 4-4-282 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-4-282 License suspension or revocation - Illegal activities on premises.**

The license of any person may be suspended or revoked pursuant to Section 4-4-280 if the ~~mayer~~ Commissioner determines that the person or such person's agent or employee has violated the provisions of Section 8-4-090 on any premises for which the license was issued.

SECTION 4. Section 4-4-285 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-4-285 Public safety threat - Summary closure - When authorized.**

(a) Definitions. As used in this section:

"Acceptable nuisance abatement plan" or "nuisance abatement plan" means any conduct, action, step or acceptance of conditions that is reasonably calculated to prevent the reoccurrence of a public safety threat under this section, as agreed to by the licensee/owner and approved by the ~~mayer~~ Commissioner in consultation with the ~~superintendent~~ Superintendent.

(Omitted text is unaffected by this ordinance) "~~Mayor~~" means the

~~mayer of the City of Chicago or the mayer's designee.~~

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(Omitted text is unaffected by this ordinance)

c) Summary closure order - Lifting of summary closure order- When authorized. If the ~~superintende~~ nt Superintendent determines that an establishment presents a public safety threat, the ~~superintendent~~ Superintendent may abate the threat by ordering the summary closure of the establishment. Except as otherwise provided in this subsection (c), such order shall remain in effect for an aggregate period of six months as measured from the date on which the public safety threat occurred. Provided, however, that any summary closure order issued by the ~~superintendent~~ Superintendent shall be lifted by the ~~mayer~~ Commissioner, and the establishment shall be allowed to reopen, if: (1) it is determined at a probable cause hearing or nuisance abatement hearing that a public safety threat did not occur, or (2) it is determined at a nuisance abatement hearing that continued operation of the establishment no longer presents a danger to the public, as may be evidenced by the submission and implementation of an acceptable nuisance abatement

plan. Provided further, that no summary closure order shall be lifted by the ~~mayor~~ Commissioner if the establishment is not properly licensed as required by law.

d) Notice of summary closure - required. Upon ordering the summary closure of an establishment, the ~~superintendent~~ Superintendent shall cause a dated notice to be posted in a prominent place on the establishment informing the licensee/owner of the following facts: (1) the ~~superintendent~~ Superintendent has issued an order requiring the immediate cessation of all business activities at, and closure of, the establishment; (2) the reason(s) for the summary closure; (3) the licensee/owner's right to request in writing, within three business days after notice is posted, a probable cause hearing before the ~~mayor~~ Commissioner to determine whether a public safety threat occurred; (4) if requested in writing, a probable cause hearing shall be commenced within three business days of receipt of such request; (5) the licensee/owner's right, at any time during the period of closure, to seek to resume business activities at the establishment, by requesting, in writing, a nuisance abatement hearing before the ~~mayor~~ Commissioner to contest whether a public safety threat occurred or to rebut the ~~superintendent's~~ Superintendent's determination that continued operation of the establishment presents a danger to the public; (6) if requested in writing, a nuisance abatement hearing shall be commenced by the ~~mayor~~ Commissioner within five business days of receipt of such request; (7) the name of the person and the address to which a written request for each hearing should be directed; (8) the consequences of not requesting a hearing; and (9) the owner's potential liability for three times the cost or expense incurred by the city City in abating a public safety threat under this section.

If a person apparently in control of the establishment is present at the time the notice is posted at the establishment, a copy of such notice shall be personally served on such person at that time. In addition, a copy of such notice shall be mailed, by first class mail, to the licensee/owner. If the establishment identified in the notice is licensed under this Code, such copy shall be mailed to the licensee or, if applicable, to the registered agent or other officer of the licensee, at the licensee's business address and; if available, at the licensee's home address. If the establishment identified in the notice is not licensed under this Code, such copy shall be mailed to the owner of record as listed with the recorder of deeds, and to the taxpayer of record, of the building or premises in or on which the establishment is operating. At the time the establishment is summarily closed, the ~~superintendent~~ Superintendent shall also post a sign at the establishment notifying the public of the penalty which shall attach, as set forth in subsections (m) and (n), if the summary closure order is violated or if any posted notice or means used to effect the closure is removed without authorization.

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e) Probable cause hearing. Within three business days after notice is posted under subsection (d), the licensee/owner of the establishment may request a probable cause hearing before the ~~mayor~~ Commissioner to determine whether a public safety threat occurred at such establishment. Such request shall be in writing. Within three business days of receipt of a written request for a probable cause hearing, the ~~mayor~~ Commissioner shall commence such hearing to determine whether a public safety threat occurred. The decision and order of the ~~mayor~~ Commissioner shall be announced no later than two business days after the probable cause hearing is completed. If, after a probable cause hearing, the ~~mayor~~ Commissioner determines, by a preponderance of the evidence, that a public safety threat did occur, the ~~mayor~~ Commissioner shall enter an order authorizing continued closure of the establishment during the interim period prior to expiration of the aggregate six month period. If, after the probable cause hearing, the ~~mayor~~ Commissioner determines, by a preponderance of the evidence, that a public safety threat did not occur, the ~~mayor~~ Commissioner shall enter an order lifting the summary closure order and business operations at the establishment shall be allowed to resume during the interim period prior to expiration of the aggregate six month period. If, after notice is given to the licensee/owner in accordance with subsection (d), the licensee/owner fails to request a probable cause hearing in a timely manner, or requests a probable cause hearing but fails to appear at the hearing, the ~~mayor~~ Commissioner shall enter a default order in favor of the city City authorizing continued closure of the establishment during the interim period prior to expiration of the aggregate six month period. Upon entry of any order under this subsection, the ~~mayor~~ Commissioner shall so notify the ~~superintendent~~ Superintendent, who shall take appropriate steps to effect the ~~mayor's~~ Commissioner's order without delay.



f) Nuisance abatement hearing. At any time during the interim period prior to expiration of the aggregate six month period, the licensee/owner may seek to have the summary closure order lifted by the ~~mayor~~ Commissioner by: (1) requesting, in writing, a nuisance abatement hearing under this subsection, and (2) showing, at such hearing, that there is reasonable cause to believe that continued operation of the establishment no longer presents a danger to the public, as may be evidenced by the submission and implementation of an acceptable nuisance abatement plan. At such hearing, the licensee/owner may also contest whether a public safety threat occurred at the establishment unless it was previously determined at a probable cause hearing that such public safety threat did occur.

Within five business days of receipt of a written request for a nuisance abatement hearing, the ~~mayor~~ Commissioner shall commence such hearing. The decision and order of the ~~mayor~~ Commissioner shall be announced no later than three business days after the nuisance abatement hearing is completed. If, after the nuisance abatement hearing, the ~~mayor~~ Commissioner determines, by a preponderance of the evidence, that a public safety threat did occur and that continued operation of the establishment presents a danger to the public, the ~~mayor~~- Commissioner shall enter an order authorizing continued closure of the establishment during the interim period prior to expiration of the aggregate six month period. If, after the nuisance abatement hearing, the ~~mayor~~- Commissioner determines, by a preponderance of the evidence, that a public safety threat did not occur or that continued operation of the establishment no longer presents a danger to the public, as may be evidenced by the submission and implementation of an acceptable nuisance abatement plan, the ~~mayor~~ Commissioner shall enter an order lifting the summary closure order, in which case the establishment shall be allowed to reopen prior to expiration of the aggregate six month period.

If, at any time after an acceptable nuisance abatement plan is implemented at the establishment governed by such plan, the licensee/owner fails to comply with the plan or any part thereof or another violent offense occurs at the establishment, the ~~superintendent~~

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Superintendent may reinstate the summary closure order in accordance with the notice and hearing requirements of this section. In such case, the establishment shall remain closed for an additional aggregate period of six months, as measured from the date that the City acquired knowledge of the licensee's noncompliance with the nuisance abatement plan or any part thereof or from the date of the occurrence of another violent offense, as applicable, unless; (i) it is determined at a probable cause hearing or nuisance abatement hearing that the licensee/owner was in full compliance with the nuisance abatement plan and all parts thereof or that another violent offense did not occur at the establishment, as applicable; or (ii) it is determined at a nuisance abatement hearing that continued operation of the establishment does not present a danger to the public, as may be evidenced by the submission of a modified nuisance abatement plan, approved by the ~~mayor~~ Commissioner and implemented by the owner/license, containing new or additional reasonable and warranted measures capable of abating a nuisance under this section.

g) Evidentiary standard. At any hearing conducted under this section, any evidence on which a reasonably prudent person would rely may be considered without regard to the formal or technical rules of evidence, and the ~~mayor~~ Commissioner may rely upon written official reports, affidavits and other business records submitted by police officers or other authorized city City officials or city City employees to determine whether a public safety threat occurred. Provided, however, that only evidence reasonably necessary to demonstrate the existence or absence of elements which must be considered when determining whether a public safety threat occurred shall be heard.

h) Cost recovery authorized. An amount equal to three times the cost or expense incurred by the city in abating a public safety threat under this section may be recovered by the city in an appropriate action instituted by the ~~corporation-counsel~~ Corporation Counsel.

(i) Right of review. Any order of the ~~mayor~~ Commissioner issued under this section

may be appealed to a court of competent jurisdiction or as otherwise provided by law.

(j) Stay pending review. No summary closure order issued by the ~~superintendent~~ Superintendent under subsection (c), or order of closure issued by the ~~mayor~~ Commissioner under subsections (e) or (f), shall be considered to be a suspension or revocation of a liquor license subject to review by the License Appeal Commission under the Liquor Control Act of 1934. Nor shall any such order be subject to the automatic stay provision set forth in Section 7-9 of the Liquor Control Act of 1934.

(k) Construction of section. Nothing in this section shall be construed to: (1) prohibit the mayor Commissioner from taking license disciplinary action under Section 4-4-280 or any other applicable section of this Code against a licensee for any violation of this section or of this Code; or (2) effect the status of any ongoing city City prosecution or other action involving such licensee or establishment, including, but not limited to, any ongoing license suspension or revocation hearing under this Code; or (3) prevent the ~~superinte~~ Superintendent from closing any establishment for purposes of conducting an investigation of a crime scene or for any other reason authorized by law; or (4) prevent the arrest and prosecution of any person, pursuant to Section 4-4-010 or other applicable section of this Code, for operating a business or occupation without a license; or (5) prevent the arrest and prosecution of any person, pursuant to Section 4-4-015 or other applicable section of this Code, for operating a business or occupation in violation of any closure order; or (6) constitute an act of possession, ownership or control by the city City over the closed premises; or (7) deny common law right to anyone to abate a nuisance.

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(l) Manner of enforcement. The ~~superintendent~~ Superintendent is authorized to use appropriate means to effect the summary closure of an establishment. The summary closure authorized by this section shall not be executed in a manner that prevents legally required ingress to or egress from the residential occupancy portion of a building. Access to the closed establishment by the licensee/owner and other persons able to prove an interest in the establishment may be permitted for the purposes of maintaining the establishment in safe and code-compliant condition, correcting code violations, removing items from the closed establishment and any other purpose authorized in accordance with rules and regulations promulgated by the ~~superintendent~~ Superintendent. Entry to the closed, establishment by government inspectors and investigators acting within the scope of their employment shall be permitted. No means used to close an establishment pursuant to this section shall be removed by the ~~superintendent~~ Superintendent unless the ~~mayor~~ Commissioner or a court of competent jurisdiction orders the removal of such means. For purposes of this section, any period of time during which the means used to close an establishment are temporarily removed pursuant to a court order shall not be included in the calculation of the required closure period.

*(Omitted text is unaffected by this ordinance)*

SECTION 5. Section 4-4-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **4-4-300 Hazardous use units.**

If a license under Title 4 authorizes a person to engage in any business or to occupy or use any premises, structure or building for any purpose classified as a hazardous use unit under Chapter 13-112 of this Code, the initial issuance of such license and every extension or renewal thereof shall require: (1) an inspection by, or caused by, the ~~fire commissioner~~ Fire Commissioner; and (2) the approval of the ~~fire commi~~ Fire Commissioner. If, as a result of such inspection, the ~~fire commissioner~~ Fire Commissioner determines that such hazardous use unit is in compliance with the requirements of this Code governing hazardous use units, the ~~fire commissioner~~ Fire Commissioner shall issue, or shall cause to be issued, a certificate of compliance and approval. Such certificate shall be subject to revocation for cause at any time by the ~~fire commissioner~~ Fire Commissioner. Upon notification of the revocation of such certificate, the ~~mayor~~

Commissioner shall revoke any license conditioned upon said certificate. The provisions of this section shall be construed as remedial and retroactive as well as prospective.

SECTION 6. Section 4-60-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-60-070 Issuance authority - Special licenses.**

(a) A city City retailer's license for the sale of alcoholic liquor shall be issued by the local liquor control commissioner, subject to the provisions of ~~an act entitled "An Act relating to alcoholic liquor", approved January 31, 1934, as amended~~ the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., and subject to the provisions of this chapter and Chapter 4-4 relating to licenses in general not inconsistent with the law relating to alcoholic liquor.

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*(Omitted text is unaffected by this ordinance)*

(c) (1) The local liquor control commissioner shall have the authority to issue a special event liquor license.

*(Omitted text is unaffected by this ordinance)*

(3) The local liquor control commissioner may approve a special event use permit issued to a for-profit entity by the State of Illinois for an outdoor event authorizing the sale and consumption of alcoholic liquor for a period not to exceed 11 days; provided that the ~~mayor~~ Commissioner of Cultural Affairs and Special Events has designated an event as a special event.

*(Omitted text is unaffected by this ordinance)*

SECTION 7. Section 4-64-400 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-64-400 Additional legal duties - Wholesale tobacco dealers.**

In addition to the applicable legal duties set forth in Chapter 4-4 of this Code and in Article III of this Chapter, each licensee engaged in the business of wholesale tobacco dealer shall have the following duties:

(1) Recordkeeping. At the time of the transaction, keep a written record in English of all sales of cigarettes. Such record shall set forth: (i) the name and residential or business address of the purchaser, (ii) the date of the transaction, (iii) the invoice number, (iv) the purchaser's tobacco license number, and (v) a description of the cigarettes sold to the purchaser. The records required under this subsection shall be open for inspection, at all reasonable times, by the ~~Mayor~~ Commissioner or Comptroller or their respective designees or by any duly authorized member of the Department of Police, Department of Business Affairs and Consumer Protection or Department of Finance.

*(Omitted text is unaffected by this ordinance)*

SECTION 8. Section 4-64-500 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **4-64-500 Additional legal duties - Retail tobacco dealers.**

In addition to the applicable legal duties set forth Chapter 4-4 of this Code and in Article III of this Chapter, each licensee engaged in the business of retail tobacco dealer shall have the following duties:

(1) Recordkeeping. At the time of the transaction, keep a written record in English of all purchases of cigarettes. Such record shall set forth: (i) the name and address of the place of business of the person from whom the cigarettes were purchased, (ii) the date of the transaction, (iii) the seller's invoice number, (iv) the seller's tobacco license number, and (v) a description of the cigarettes purchased. The records required under this subsection, and all cigarettes purchased, received or kept for sale by every retail tobacco dealer, shall be open for

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inspection, at all reasonable times, by the ~~Mayor~~ Commissioner or Comptroller or their respective designees or by any duly authorized member of the Department of Police, Department of Business Affairs and Consumer Protection or Department of Finance.

*(Omitted text is unaffected by this ordinance)*

SECTION 9. Section 4-64-930 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **4-64-930 License revocation for a single offense - Authorized.**

In addition to any other penalty provided by law, any tobacco license issued under this Chapter may be revoked by the ~~mayor or the mayor's designee~~ Commissioner in accordance with Section 4-4-280 at any time upon violation by the licensee of any provision of this Chapter or applicable federal or State law.

SECTION 10. 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.**

*(Omitted text is unaffected by this ordinance)*

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~~ Department of Business Affairs and Consumer Protection, and no insurance shall be subject to cancellation or lapse, except on 30 days' advance notice to the ~~department of business affairs and consumer protection~~ 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~~ 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~~ Commissioner shall revoke the certificate of inspection for such ambulance.

Every company licensed pursuant to this chapter shall pay each judgment or award for the loss or damage in the operation for use of an ambulance rendered against such licensee by any court or commission of competent jurisdiction within 90 days after its judgment or award shall have become final, and not stayed by supersedeas. If any such judgment shall not be so paid, the ~~mayor~~ Commissioner shall revoke the ambulance-

operating license of the applicable ambulance company concerned in accordance with Section 4-4-280.

SECTION 11. Section 4-156-280 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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**4-156-280 Violation - Penalty.**

*(Omitted text is unaffected by this ordinance)*

(b) Upon a third violation of the provisions of this chapter relating to possession or use of an illegal amusement device occurring on the same premises for a period of five years, all city City licenses issued for business activity on those premises shall be revoked, and no automatic amusement device may be placed on the premises for a period of one year from the date of revocation. Nothing in this section limits the authority of the ~~mayor~~ Commissioner to revoke a license on a licensee's first or second violation during such period. For purposes of this subsection (b), "licensee" includes an employee or agent of a licensee.

SECTION 12. Section 4-228-225 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-228-225 Prohibited activities - Public ways.**

No motor vehicle repair shop shall be operated or maintained in such a way that the shop, or any vehicle being repaired therein, or any materials associated therewith, are located or placed upon the public way. If the ~~commissioner~~ Commissioner finds or is notified by an alderman or another department or agency of the city City that a licensee has violated this section on three different days within a 12-month period, the ~~commissioner~~ Commissioner shall immediately and without exception seek revocation of the motor vehicle license.

At any revocation hearing conducted pursuant to Section 4-4-280 of this Code, the license ~~commissioner~~ ~~r-appointed by the mayor~~ Commissioner or any other hearing officer designated by the ~~mayor~~ Commissioner shall limit their factual findings to determining: (1) the number of times, if any, the licensee violated this section; and (2) the dates on which those violations occurred. Neither the seriousness of the offense nor the existence of any mitigating factors shall be considered or reported to the ~~mayor~~-Commissioner. If the ~~commissioner of business affairs and consumer protection~~ Commissioner or hearing officer finds that the licensee violated this section of the Code on three different days within a 12-month period, the ~~mayor~~ Commissioner shall revoke the motor vehicle repair license.

*(Omitted text is unaffected by this ordinance)*

SECTION 13. Section 4-240-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-240-090 Inspection of records.**

The said book, the photographs required under Section 4-240-070, and every article or other thing of value pawned or pledged, or any article of secondhand property obtained through purchase or exchange, shall

at all times during the licensee's business hours to be open to the inspection of by the mayor Commissioner or any member of the police force or any investigator of the department of business affairs and consumer protection Department of Business Affairs and Consumer Protection.

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SECTION 14. Section 4-244-175 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-244-175 Special events.**

The ~~mayor~~ Commissioner, by and through the ~~commissioner of the department of cultural affairs and special events~~ Commissioner of the Department of Cultural Affairs and Special Events, shall have the authority to promulgate reasonable rules and regulations governing the time, place manner and duration of all performances permitted under this chapter which occur during the course of a special event, including during its set up and clean up.

*(Omitted text is unaffected by this ordinance)*

SECTION 15. Section 4-264-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-264-050 Recordkeeping.**

(a) LeadsOnline electronic reporting - Required - Exception. At the time of each transaction, each licensee under this chapter shall enter into an accessible computer database, using the LeadsOnline electronic reporting form, an accurate description in English (i) every article of secondhand property received, purchased, sold or exchanged by the licensee; (ii) the date of the transaction; and (iii) the name and address of the purchaser or seller. Provided, however, that if the licensed business does not have internet access, the licensee shall seek permission and approval from the ~~superintendent of police~~ Superintendent of Police to use an alternative reporting system acceptable to the ~~superintendent~~ Superintendent. No entry made in such database or other approved reporting system shall be erased, obliterated or defaced.

*(Omitted text is unaffected by this ordinance)*

(f) Inspection of records. The records required under this section shall, at all times during the licensee's business hours, be open to inspection by the mayor Commissioner, or any member of the police force, or any investigator of the department of business affairs and consumer protection Department of Business Affairs and Consumer Protection.

SECTION 16. Section 4-264-052 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-264-052 Record keeping requirements related to digital audio and video discs.**

*(Omitted text is unaffected by this ordinance)*

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(b) Records described in subsection (a) of this section shall, during the secondhand dealer's business hours, be open to inspection and copying by the mayor Commissioner, any member of the police department and any investigator of the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection.

*(Omitted text is unaffected by this ordinance)*

## ARTICLE VIII. COMMERCIAL LOADING ZONES

SECTION 1. Section 9-4-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 9-4-010 Definitions.

*(Omitted text is unaffected by this ordinance)*

"Commercial vehicle" means a motor vehicle meeting one or more of the following requirements and shall not include vehicles designed and operated to carry fewer than 10 passengers for hire: ~~operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire; including but not limited to a motor vehicle of the first division displaying a placard indicating authorization of the Illinois Commerce Commission to operate as a motor carrier of property but not including, however, public passenger vehicles.~~

a) Any motor vehicle that is emblazoned with the name, logo or other identifier of a business affixed to the vehicle either permanently, such as stenciled or painted, or temporarily, such as a magnetic sticker or a sign attached to the antenna, in a manner identifiable from at least twenty-five feet away. Temporary, unaffixed identification, such as a sheet of paper or cardboard on the dashboard or rear window deck, is not sufficient to label a vehicle a commercial vehicle.

b) Any motor vehicle driven for profit or to carry or transport property, merchandise, or supplies of a commercial or industrial nature bearing a permit issued under Section 9-64-160(d).

c) Any junk vehicle as defined herein.

d) Any vehicle with an unenclosed cargo bed, if such unenclosed cargo bed has been modified to increase the vehicle's capacity to transport or carry merchandise, junk, cargo or other property of any type, even if such cargo bed is empty.

(e) Any vehicle with a gross weight of 8,000 or more pounds.

*(Omitted text is unaffected by this ordinance)*

"Junk vehicle" means any truck, automobile, or other motorized vehicle used to collect, dispose of, or transport junk, as defined in Section 4-6-150(a).

*(Omitted text is unaffected by this ordinance)* 59

"Truck tractor" has the meaning ascribed to the term in the Illinois Vehicle Code, 625 ILCS 5/1-212.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 9-64-165 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-64-165 Commercial loading zones.**

*(Omitted text is unaffected by this ordinance)*

(d) If a curb loading zone is converted to a commercial loading zone pursuant to this section, the owner, agent or lessee of any building or parcel of property who has paid a ~~nonrefundable application~~ the annual fee charged under Section 9-68-030(a) in connection with the designation of the curb loading zone shall be given 30-days' notice of the conversion and shall be reimbursed, on a pro rata basis, for the remaining months of the designation of the location as a curb loading zone.

*(Omitted text is unaffected by this ordinance)*

SECTION 3. Section 9-64-170 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-64-170 Parking restrictions - Special types of vehicles - Exceptions.**

a) (1) Residential streets - Restrictions. Except as otherwise provided in this subsection (a) or in subsection (f)(2) of this section, it shall be unlawful for any person to park at any time, including overnight, any truck, van, tractor, truck tractor, semi-trailer, trailer, recreational vehicle more than 22 feet in length, self-contained motor home, bus, taxicab, commercial vehicle, limousine (whether for hire or not for hire) or livery vehicle on any residential street within the city City.

*(Omitted text is unaffected by this ordinance)*

(5) Residential streets - Exception for non-commercial pickup trucks and vans weighing less than 8,000 pounds - When authorized. The prohibition in paragraph (1) of this subsection (a) shall not apply to the owner of a pickup truck or van that: (i) is lawfully parked at the curb in accordance with the general parking requirements of this Code, and (ii) bears a valid and current city City wheel tax license emblem, and (iii) has a gross weight of less than 8,000 pounds, and (iv) is not a commercial vehicle, ~~as defined in subsection (e) of this section.~~

*(Omitted text is unaffected by this ordinance)*

b) (1) Business streets - Restrictions. Except as otherwise provided in this subsection (b) or in subsection (f)(2) of this section, it shall be unlawful for any person to park at any time, including overnight, any truck, truck tractor, semi-trailer, trailer, self-contained motor

home, commercial vehicle, limousine (whether for hire or not for hire) or bus on any business street in the city City.

*(Omitted text is unaffected by this ordinance)*



(6) Business streets - Exception for non- commercial pickup trucks weighing less than 8,000 pounds - When authorized. The prohibition in paragraph (1) of this subsection (b) shall not apply to the owner of a pickup truck that: (i) is lawfully parked at the curb in accordance with the general parking requirements of this Code, and (ii) has a gross weight of less than 8,000 pounds, and (iii) is not a commercial vehicle, ~~as defined in subsection (e) of this section.~~

*(Omitted text is unaffected by this ordinance)*

(e) ~~[Reserved.]~~ Definitions. For the purposes of this section:

~~"Commercial vehicle" means (i) any motor vehicle that is marked or emblazoned with the name of a business or is otherwise represented as being used for the transportation of property in the furtherance of any commercial or industrial enterprise, whether for hire or not for hire; or (ii) any motor vehicle driven for profit or to carry or transport property, merchandise or supplies of a commercial or industrial nature; or (iii) any "junk vehicle" as defined herein; or (iv) any vehicle with an unenclosed cargo bed, if such unenclosed cargo bed has been modified to increase the vehicle's capacity to transport or carry merchandise, junk, cargo or other property of any type, even if such cargo bed is empty; or (v) any vehicle with a gross weight of 8,000 or more pounds.~~

~~"Junk vehicle(s)" means any truck, automobile or other motorized vehicle used to collect, dispose of or transport junk, as defined in Section 4-6-150(a).~~

~~"Truck tractor" has the meaning ascribed to the term in Section 1-212 of the Illinois Vehicle Code, as amended, codified at 625 ILCS 5/1-212.~~

*(Omitted text is unaffected by this ordinance)*

SECTION 4. Section 9-64-250 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**9-64-250 Violation - Towing and storage fees.**

(a) Any vehicle parked, stopped, or standing in violation of any provision of Sections 9-12-060, 9-64-020, 9-64-050, 9-64-060, 9-64-070, 9-64-100, 9-64-110, 9-64-120, 9-64-130(b), 9-64-140(b), 9-64-150(b), 9-64-160(b), 9-64-165(f), 9-64-170 or 9-64-210 shall be subject to an immediate tow as provided in Section 9-92-030.

*(Omitted text is unaffected by this ordinance)*

SECTION 5. Section 9-92-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored as follows:

**9-92-030 Authority to impound or otherwise relocate vehicle.**

Members of the police department Police Department and employees of the department of streets and sanitation Department of Streets and Sanitation, and employees of the department of aviation Department of Aviation with respect to violations occurring at O'Hare International Airport, are authorized to issue a notice of parking violation and may authorize the removal of a vehicle from any public way to a city City vehicle pound

or authorized garage or other legal parking space in the public way under the following circumstances:

*(Omitted text is unaffected by this ordinance)*

(c) When an unattended vehicle is parked, stopped, or standing in violation of Section 9-40-060, 9-64-020; 9-64-050, 9-64-070, 9-64-100, 9-64-110, 9-64-120, 9-64-130(b), 9-64-140(b), 9-64-150(b), 9-64-160(b), 9-64-165(f), 9-64-170, 9-64-210, 9-80-080(a), or 9-80-130;

*(Omitted text is unaffected by this ordinance)*

## ARTICLE IX. TAXI REFORM

SECTION 1. Section 9-104-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### 9-104-010 Definitions.

For purposes of this chapter the following definitions shall apply:

"Commissioner" means the ~~city's commissioner of business affairs and consumer protection~~ City's Commissioner of Business Affairs and Consumer Protection.

*(Omitted text is unaffected by this ordinance)*

"Criminal background check" means a fingerprint based or non-biometric based local and national criminal background check, including, but not limited to, checking an applicant against: (1) the National Sex Offenders Registry database or National Sex Offenders Public Website or other similar database; and (2) Global Watchlist Check that searches known domestic and international terrorist watchlists; and (3) Multi-State or Multi-Jurisdictional Criminal Records Locator or other similar commercial nationwide database with validation (primary source search).

"Department" means the ~~city's department of business affairs and consumer protection~~ City's Department of Business Affairs and Consumer Protection.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 9-104-050 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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### 9-104-050 License - Qualifications.

An applicant is qualified to receive a public chauffeur license if the applicant:

1. ~~possesses a valid driver's license for at least one year prior to application for the issuance or renewal of a public chauffeur license;~~

*(Omitted text is unaffected by this ordinance)*

5. has successfully completed a training course as prescribed by the ~~commissioner~~ Commissioner unless deemed unnecessary for that applicant pursuant to rule;

6. has successfully completed a licensing examination as prescribed by the ~~commissioner~~ Commissioner;

*(Omitted text is unaffected by this ordinance)*

13. has not had his driver's license cancelled, suspended or revoked by any governing jurisdiction as a result of non-moving violations in the 12-month period preceding the date of application, excluding (i) license suspensions due to failure to comply with child support or debt payment obligation; (ii) failure to maintain automobile insurance on a personal vehicle; or (iii) failure to appear in traffic court ~~in the 12-month period preceding the date of application~~;

14. has not had his driver's license cancelled, suspended or revoked by any governing jurisdiction as a result of a driving-related incident within the 12-month ~~3-year~~ period preceding the date of application; and

*(Omitted text is unaffected by this ordinance)*

SECTION 3. Section 9-104-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-104-070 License - Investigation, issuance and denial.**

a) Upon receipt of an application for the issuance or renewal of a license, the ~~commissioner~~ Commissioner may investigate the applicant for compliance with all applicable provisions of this ~~eedo~~ Code and applicable rules.

b) As part of the investigation prescribed by subsection (a), every Every applicant shall: ~~be require~~ d to (1) submit to ~~fingerprinting~~ a criminal background check as\defined by Section 9-104-010; (2) submit to additional checks as the Commissioner sets forth in rules; and shall (3) provide photos of the applicant as required by the ~~commissioner~~ Commissioner. Applicants shall be responsible for the costs of ~~fingerprinting~~ the criminal background check, any additional checks, and photos.

c) As part of the application process, fees sufficient to cover the costs of processing ~~fingerprints~~ and ~~photos~~ the requirements of subsection (b) shall will be assessed in addition to the license fees set forth in Section 9-104-030 of this chapter. The ~~fingerprinting and photo~~ fees

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will be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be as set forth by rules promulgated by the ~~commissioner~~ Commissioner.

d) The ~~commissioner~~ Commissioner may deny a license to an applicant who submits an application or any information or document that includes an omission or misstatement of material fact, or false information.

e) After investigating an applicant as provided in subsection (a) and this section, the ~~commissioner~~ Commissioner has the authority to deny a license if the applicant does not meet the requirements for the

issuance or renewal of a license. Such investigation may include, but is not limited to, a review of the applicant's application, criminal record, driving record, complaint history, and any other information that may be reasonably relied upon to issue a license.

f) If an application for the issuance or renewal of a public chauffeur license is denied, the applicant may, within 10 days of the mailing of the notice of denial, make written demand upon the ~~commissi~~ ~~oner~~ Commissioner for a hearing. Upon receipt of a timely written demand for a hearing, the ~~department~~ Department shall within 30 days conduct a hearing. If at such a hearing the applicant establishes through competent evidence that the denial was based upon incorrect findings, the ~~commissi~~ ~~oner~~ Commissioner shall issue the license. If at such a hearing the denial is found to have been based upon correct findings, the denial shall become final. After entry of a final denial, the applicant shall be ineligible to make a new application for a period of 12 months.

SECTION 4. Section 9-104-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-104-100 Taxi chauffeur rebate program.**

a) The ~~commissi~~ ~~oner~~ Commissioner is authorized to establish a taxi chauffeur rebate program. The purpose of the program shall be to award financial assistance to each eligible taxi chauffeur applicant in order to partially cover the costs associated with obtaining or renewing a taxi chauffeur license from the city City. The award shall be <sup>^</sup>-(i) up to \$50.00 to cover or subsidize the initial fingerprinting and criminal background check costs associated with the issuance of a taxi chauffeur license; and ~~-(ii) up to \$25 to cover or subsidize the biennial drug test and physical examination costs associated with the renewal of a taxi chauffeur license.~~ The ~~commissi~~ ~~oner~~ Commissioner is also authorized to enter into an agreement with the City Colleges of Chicago or any other public or private entity that offers a taxi chauffeur training course in order to reduce the tuition charged for offering the course. If the tuition charged for such course is more than \$50.00, the ~~commissi~~ ~~oner~~ Commissioner shall, under the rebate program established pursuant to this section, award financial assistance to eligible applicants in the amount that covers the tuition in excess of \$50.00.

b) The ~~commissi~~ ~~oner~~ Commissioner shall promulgate rules for the effective administration of the taxi chauffeur rebate program, including rules governing eligibility to participate in the program.

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SECTION 5. Section 9-108-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-108-040 Horse-drawn carriage license - Investigation and issuance of license.**

a) Upon receipt of an application for the issuance or renewal of a license, the ~~commissi~~ ~~oner~~ Commissioner may investigate the applicant for compliance with the provisions of this Code pertinent to the issuance or renewal of a horse-drawn carriage license.

b) As part of the investigation prescribed by subsection (a), every ~~Every~~ applicant shall: ~~be require~~ ~~d to~~ (1) submit to ~~fingerprinting~~ a criminal background check as defined by Section 9-104-010; (2) submit to additional checks as the Commissioner sets forth in rules; and ~~shatl {3}~~ provide photos of the applicant as required by the ~~commissi~~ ~~oner~~ Commissioner. Applicants shall be responsible for the costs of ~~fingerprinting~~ the criminal background check, any additional checks, and photos.

c) As part of the application process, fees sufficient to cover the costs of processing fingerprints and photos the requirements of subsection (b) shall be assessed in addition to the license fees set forth in this chapter. The fingerprinting and photo fees shall be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be set forth by rules and regulations promulgated by the commissioner Commissioner.

d) The licensee shall provide a horse-drawn carriage that is in safe and proper condition at the time the license is issued; and shall register the horse-drawn carriage in the applicant's name or, in the case of a leased vehicle, shall provide a copy of the lease, in a form acceptable to the commissioner Commissioner, that must cover at least the duration of the license for that vehicle and must include an acknowledgment by the lessor of the vehicle that he has given his consent for the vehicle to be used as a horse-drawn carriage as licensed.

SECTION 6. Section 9-108-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-108-150 Horse-drawn carriage chauffeur license - Application - Qualifications - Fee.**

a) Applications for horse-drawn carriage chauffeur licenses shall be made in writing to the commissioner Commissioner upon forms provided by the commissioner Commissioner. Applications shall state the full name and residential address of the applicant and such other information as may be required by the commissioner Commissioner to properly identify the applicant and to disclose any relevant information as to the applicant's qualifications, age, physical condition and criminal record.

b) An applicant is qualified to receive a new, or renewed horse-drawn carriage chauffeur license, if the applicant:

1. possesses a valid Illinois State driver's license, or a valid driver's license of another state, district or territory of the United States, for at least one year prior to application for the issuance or renewal of a horse-drawn carriage-chauffeur license,

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is at least 18 years of age;

3. [Reserved];

4. [Reserved];

5. has successfully completed an examination as prescribed by the commissioner Commissioner demonstrating a knowledge of the geography of the city City and the laws, ordinances and regulations governing vehicle operation in the city City;

*(Omitted text is unaffected by this ordinance)*

7. delivers to the commissioner Commissioner a certified letter or document by a horse-drawn carriage licensee that such person is qualified to operate a carriage; and

8. is not indebted to the city City.

c) The qualifications of each applicant as specified in paragraph (b) of this section shall be investigated by the department Department and a report of such investigation containing any facts relevant to the applicant's qualifications shall be forwarded to the commissioner Commissioner. The fingerprints of each applicant shall be submitted to the superintendent of police for examination into the criminal record, if any, of the applicant. Every applicant shall: (1) submit to a criminal background check as defined by Section 9-104-010; (2) submit to additional checks as the Commissioner sets forth in rules; and (3) provide photos of the applicant as required by the Commissioner. Applicants shall be responsible for the costs of the criminal background check, and any additional checks, and photos.

d) As part of the application process, fees sufficient to cover the costs of processing fingerprints and photos the requirements of subsection (b) shall be assessed in addition to the license fees set forth in this chapter. The fingerprinting and photo fees shall be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be set forth by in rules and regulations promulgated by the ee mmissioner Commissioner.

e) If, upon examination of the applicant's application and the investigation specified in paragraph (c) of this section, and the commissioner Commissioner finds that the application included no material omission or misstatement of facts requested by the application form and that the applicant possesses the qualifications specified in paragraph (b) of this section, the commissioner Commissioner shall issue the license. If, upon such examination of the applicant's application and the investigation specified in paragraph (c) of this section, the commissioner Commissioner finds that the application includes any material omission or misstatement of fact or that the applicant lacks any of the qualifications specified in paragraph (b) of this section, the commissioner Commissioner shall deny the license and shall inform the applicant of the denial and the specific reason or reasons therefor by registered mail, return receipt requested.

f) If an application is denied, the applicant may, within ten days of the mailing of notice of the denial, make written demand upon the commissioner Commissioner for a hearing. Upon receipt of a timely written demand for a hearing, the commissioner Commissioner shall, within 30 days, conduct a hearing. If, upon such a hearing, the applicant establishes through competent evidence that the denial was based upon incorrect findings, the commissioner Commissioner shall issue the license. If, upon such a hearing, the denial is found to have been

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based upon correct findings, the denial shall become final. After entry of a final denial the applicant shall be ineligible to make a new application for a period of eighteen months.

(g) Upon qualification of the applicant and payment of the license fee herein provided, a horse-drawn carriage chauffeur's license identification card shall be issued in such form as to contain the photograph, name of licensee, and any other information the commissioner Commissioner deems necessary. No such license identification card shall be defaced, erased or otherwise obliterated by the chauffeur or permitted by him to be defaced, erased or obliterated.

*(Omitted text is unaffected by this ordinance)*

(i) A horse-drawn carriage chauffeur license shall be valid for a period of no more than two years from the date of its issuance. A horse-drawn carriage chauffeur license shall be renewed as provided by rules promulgated by the commissioner Commissioner. A horse-drawn carriage chauffeur license is nontransferable.

(ii j) The commissioner Commissioner, upon receiving a complaint, is authorized to require any horse-drawn carriage chauffeur licensee to: (i) be evaluated by an Illinois-licensed physician that the licensee has the capability to safely operate a horse-drawn carriage; and (ii) take a test, conducted by authorities approved by the commissioner Commissioner, for the presence of cannabis or other illegal drug or inebriating substance

in the body. If the physician does not certify that the licensee has the capability to safely operate a horse-drawn carriage, or if the licensee fails the drug or substance test, the ~~commissioner~~ Commissioner shall immediately suspend the licensee's horse-drawn carriage chauffeur license.

SECTION 7. Section 9-110-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-110-060 Investigation and issuance of pedicab license.**

a) Upon receipt of an application for the issuance or renewal of a license, the ~~commissioner~~ Commissioner may investigate the applicant for compliance with all applicable provisions of this Code, including but not limited to the applicant's compliance or ability to comply with the license qualification requirements specified in Section 9-110-040.

b) As part of the investigation prescribed by subsection (a), every Every applicant shall: ~~be require~~ d to (1) submit to ~~fingerprinting~~ a criminal background check as defined by Section 9-104-010; (2) submit to additional checks as the Commissioner sets forth in rules; and shall (3) provide photos of the applicant as required by the ~~commissioner~~ Commissioner Applicants shall be responsible for the costs of ~~fingerprinting~~ the criminal background check, any additional checks, and photos.

c) As part of the application process, fees sufficient to cover the costs of processing ~~fingerprints~~ and ~~photos~~ the requirements of subsection (b) shall will be assessed in addition to the license fees set forth in this Code. The ~~fingerprinting and photo~~ fees will be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be set forth by rules and regulations promulgated by the ~~commissioner~~ Commissioner.

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(d) The pedicab licensee shall provide a pedicab that is in safe and proper condition at the time the license is issued; and shall register the pedicab in applicant's name or, in the case of a leased pedicab, shall provide a copy of the lease, in a form acceptable to the ~~commissioner~~ Commissioner, that must cover at least the duration of the license term for that pedicab and must include an acknowledgment by the lessor of the pedicab that he such lessor has given his consent for the pedicab to be used as a licensed pedicab.

*(Omitted text is unaffected by this ordinance)*

(f) If an application is denied, the applicant may, within ten days of the mailing of notice of the denial, make written demand upon the ~~commissioner~~ Commissioner for a hearing. Upon receipt of a timely written demand for a hearing, the ~~commission~~ Commissioner shall ~~within 30 days~~ conduct a hearing within 30 days. If, upon such a hearing, the applicant establishes through competent evidence that the denial was based upon incorrect findings, the ~~commissioner~~ Commissioner shall issue the license. If, upon such a hearing, the denial is found to have been based upon correct findings, the denial shall become final. After entry of a final denial the applicant shall be ineligible to make a new application for a period of 18 months.

SECTION 8. Section 9-110-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

**9-110-130 Pedicab chauffeur license - Application.**

*(Omitted text is unaffected by this ordinance)*

(b) An applicant is qualified to receive a new or renewed pedicab chauffeur license if the applicant:

(1) has possessed a valid Illinois State driver's license, or a valid driver's license of another state, district or territory of the United States, for at least one year prior to application for the issuance or renewal of a pedicab chauffeur's permit;

*(Omitted text is unaffected by this ordinance)*

SECTION 9. Section 9-112-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-050 Vehicle inspections.**

No person shall place a vehicle into service as a taxicab until the vehicle has been inspected under the direction of the ~~commissioner~~ Commissioner and found to be in safe operating condition. A taxicab vehicle inspection includes, but is not limited to, ensuring that all required equipment is installed and operating as intended, and that the interior and exterior of the vehicle are clean and in good condition for the safety of the vehicle drivers and passengers. Licensees must submit all their taxicab vehicles for inspection as scheduled by the ~~department~~ Department. Taxicab vehicles with a vehicle age of 2 five years or newer must be inspected at least annually, and all older taxicab vehicles must be inspected at least semiannually.

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If any licensee fails to appear and make his vehicle available for inspection after receiving a notification from the ~~commissioner~~ Commissioner to do so, the ~~commissioner~~ Commissioner may immediately suspend the licensee's license and impose a fine as set forth in ~~section~~ Section 9-112-630, in addition to all other applicable penalties, including extending the license suspension, and/or license revocation. If the licensee again fails to so appear, the ~~commissioner~~ Commissioner may suspend his license until the vehicle has passed an inspection pursuant to this section. If a licensee demonstrates a pattern of missing scheduled inspection dates, the ~~commissioner~~ Commissioner may revoke the license.

The ~~commissioner~~ Commissioner is authorized to adopt rules and regulations to specify the time frame and schedule for vehicle inspections and may require additional inspections based upon complaints.

SECTION 10. Section 9-112-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-070 Specifications for taxicab vehicles.**

The ~~commissioner~~ Commissioner may issue licenses for motor vehicles to operate as taxicabs according to the following:

*(Omitted text is unaffected by this ordinance)*

c) ~~Age of vehicle~~ Vehicle age. A licensee ~~cannot~~ may not operate a vehicle as a licensed taxicab beyond the following vehicle age:

1) ~~Few~~ Seven years for vehicles that are not designated pursuant to the ~~department's~~ Department's



list of authorized vehicles as wheelchair accessible or fuel efficient.

2) Seven Ten years for vehicles that are designated pursuant to the department's Department's list of authorized vehicles as fuel efficient. However, if a fuel efficient vehicle passes an inspection in compliance with Section 9-112-050, it may operate as a licensed taxicab for eleven years.

3) ~~Seven Ten years for vehicles that are designated pursuant to the department's Department's list of authorized vehicles as wheelchair accessible.~~

d) ~~Starting January 1, 2013, a A licensee cannot place a vehicle with an odometer reading of 125,000 miles or greater in operation for the first time as a licensed taxicab. Starting January 1, 2014, a licensee cannot place a vehicle with an odometer reading of 75,000 miles or greater in operation for the first time as a licensed taxicab.~~

*(Omitted text is unaffected by this ordinance)*

SECTION 11. Section 9-112-080 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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#### **9-112-080 Change of taxicab equipment.**

The ~~commissioner~~ Commissioner will promulgate by rules and regulations establishing the process that licensees must follow when ~~they replace~~ a licensee replaces the taxicab vehicle (for purposes of this section, a "change of equipment"). For a change of equipment performed during a scheduled periodic inspection, the ~~commissioner~~ Commissioner will shall assess a \$25.00 change of equipment processing fee. For a change of equipment not performed during a scheduled periodic inspection, the ~~commissioner~~ Commissioner will shall assess a \$25.00 change of equipment processing fee ~~in addition to a \$75.00 change of equipment-vehicle inspection fee.~~

SECTION 12. Section 9-112-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **9-112-100 Qualifications for license or renewal of license.**

(a) In order to qualify for a license, whether upon initial application or upon application for renewal of a license:

1) an applicant shall be in compliance with all City, State of Illinois and Federal laws, and the provisions of this chapter; and

2) an applicant shall have its principal place of business in the City of Chicago:

i) with respect to any business entity applicant, the applicant shall be organized or qualified to do business under the laws of the State of Illinois; or

ii) with respect to an individual applicant, the applicant shall be a citizen or legal resident of the United States residing and domiciled in the City of Chicago^ and

3) an applicant for the issuance or renewal of a taxicab license shall submit a copy of the licensee's agreement with a taxicab affiliation licensed by the City. ~~Provided, however, that~~ However, a licensee who owns only one medallion and who does not have an ownership interest in any other medallion need not be affiliated if the licensee is an owner-operator.

*(Omitted text is unaffected by this ordinance)*

SECTION 13. Section 9-112-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-110 Investigation and issuance of license.**

(a) Upon receipt of an application for the issuance or renewal of a license, the Commissioner may investigate the applicant for compliance with all provisions of this code, including but not limited to: (1) the character and reputation of the applicant; and (2) the ability of the applicant to render safe transportation service, to maintain or replace the equipment for

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such service, and to pay all fees, fines, taxes, judgments and awards which may be rendered for any cause arising out of the operation of a taxicab during the license period.

b) Every individual applicant and every agent of a business entity applicant shall be required to submit to ~~fingerprinting~~ a criminal background check as defined in Section 9-104-010, and shall provide photos of such person as required by the Commissioner. Applicants shall be responsible for the costs of ~~finger~~ printing such criminal background check and photos.

c) As part of the application process, fees sufficient to cover the costs of processing ~~fingerprints~~ the criminal background check and photos will be assessed in addition to the license fees set forth in section 9-112-150 of this Code. ~~The fingerprinting and photo~~ Such fees ~~w~~ill shall be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be set forth by in rules and regulations promulgated by the Commissioner. .

*(Omitted text is unaffected by this ordinance)*

SECTION 14. 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.**

*(Omitted text is unaffected by this ordinance)* (2) Worker's

compensation:

i) Any licensee who does not carry adequate worker's compensation insurance shall have his license(s) immediately suspended until proof of such insurance is provided to the ~~commissioner~~ Commissioner. The licensee shall provide the ~~commissioner~~ Commissioner with a copy of the licensees' insurance verification for worker's compensation upon request of the ~~commissioner~~ Commissioner.

ii) Any public chauffeur, upon filing a claim for temporary total disability with the Illinois Industrial Workers' Compensation Commission, shall immediately surrender his public chauffeur license to the

department. Such public chauffeur license shall remain surrendered for any period for which the chauffeur claims or receives benefits. If the Commissioner determines that a Any public chauffeurs whose claim for benefits with the Illinois Industrial Workers' Compensation Commission is determined to be fraudulent, not credible, or otherwise not filed in good faith, the Commissioner may have his suspend, revoke or deny renewal of the public chauffeurs license revoked.

(b) If any medallion license holder fails to maintain required insurance, the ~~commissioner~~ Commissioner may immediately suspend the medallion license holder's taxicab vehicle license and impose a fine as set forth in ~~section~~ Section 9-112-630 of this Code, in addition to all other applicable penalties, including license suspension, and/or license revocation. If a medallion license holder demonstrates a pattern of failing to maintain required insurance, the ~~commissioner~~ Commissioner may revoke the license.

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SECTION 15. Section 9-112-340 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-340 Taxicab affiliations.**

a) An applicant must apply for a taxicab affiliation license using a print or electronic form prescribed by, and as directed by, the ~~commissioner~~ Commissioner, and accompanied by such documents as the ~~commissioner~~ Commissioner may require.

b) No organization shall operate as a City of Chicago taxicab affiliation without first being licensed by the ~~commissioner~~ Commissioner. Application for a taxicab affiliation license shall be made on such forms and accompanied by such documents as the ~~commissioner~~ Commissioner may require and shall include, but not be limited to, proof that the taxicab affiliation has its principal place of business in Chicago and the name, Chicago business address and telephone number, residence address and license numbers of each licensee so affiliated. Subsequent to licensing, if there are changes in any material information contained in the submitted license application, such changes must be reported in writing to the ~~commissioner~~ Commissioner within 48 hours.

c) In consideration of a new taxicab affiliation application, applicants will be subject to qualification requirements as provided in Section 9-112-100 of this Code and inspection requirements as provided in Section 9-112-110 of this Code. In addition, the ~~commissioner~~ Commissioner may consider factors including, but not limited to, effects on public interests and taxicab industry economics, in evaluating the new taxicab affiliation application.

d) No taxicab affiliation may have more than 25 percent of the total number of eity City licensed taxicabs as affiliates.

e) No taxicab affiliation licensed under this chapter may dispatch a taxicab for the purpose of providing transportation to a customer unless the vehicle is properly licensed to provide the transportation requested. The ~~commissioner~~ Commissioner will notify a taxicab affiliation in the event of the suspension or revocation of any of its affiliate's licenses.

f) Whenever notice is required to be served by the ~~commissioner~~ Commissioner on any licensee, the ~~commissioner~~ Commissioner may provide service by certified mail, electronic mail, or facsimile upon the registered address of the licensee's taxicab affiliation listed in the department's Department's records.

g) All affiliated taxicabs licensed by the City of Chicago, when in service and for hire, must be equipped at all times to allow for the dispatch of the vehicle to any person requesting transportation. Taxicab affiliations and affiliates are responsible for ensuring that such equipment is activated and operating at all times when the affiliated taxicab is in service.

h) In the event that a taxicab affiliation contracts with a two-way dispatch service to provide a two-way dispatch system to its affiliates, the taxicab affiliation shall be liable for any acts or omissions of the two-way dispatch service which may violate city ordinances or the rules and regulations promulgated thereunder.

*(Omitted text is unaffected by this ordinance)*

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(j) An affiliate may not have its membership in a taxicab affiliation terminated by the taxicab affiliation, except on 30 days prior written notice to the affiliate and the ~~commissioner~~ Commissioner.

(k) If ~~±~~ following a hearing held by the ~~department of administrative hearings~~ Department of Administrative Hearings, a taxicab affiliation is found to have violated ~~any of the provisions of any city~~ City ordinance or ~~of the rules and regulations any rule~~ promulgated thereunder, the taxicab affiliation shall be subject to all applicable penalties, including but not limited to a fine, license suspension, and/or license revocation.

(l) The annual fee for each taxicab affiliation license is \$500.00 plus ~~\$15.00~~ \$5.00 for each licensee affiliated with the taxicab affiliation at the time of licensing or renewal. All taxicab affiliation licenses expire on November 30. Renewal of taxicab affiliation licensing must be made during the month of November. The fee shall be paid in advance before the license is issued. In order to avoid lapse of the taxicab affiliation license, the licensee must renew the license before the expiration date of the licensing term. Renewal fees must be paid before the first day of the licensing term. Any licensing fee paid on or after the first day of the licensing term is considered a late payment, and is subject to late payment fees, interest accrued as specified in this Code and ~~promulgated in the rules promulgated by the commissioner~~ Commissioner. If an affiliation license is not renewed in a timely manner, such affiliation license shall be considered lapsed.

(m) When a licensee changes its taxicab affiliation during the affiliation licensing year, the ~~commissioner~~ Commissioner will ~~shall~~ assess the licensee a \$25.00 change of affiliation licensing fee. The ~~commissioner~~ Commissioner will ~~shall~~ promulgate in rules the process governing a change of affiliation.

(n) The ~~commissioner~~ Commissioner may promulgate rules governing taxicab affiliations and licensees as affiliates.

(o) Any taxicab affiliation licensee licensed under this section shall not be required to obtain a taxicab two-way dispatch license under 9-112-550.

SECTION 16. Section 9-112-360 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-360 Taxicab vehicle color schemes.**

*(Omitted text is unaffected by this ordinance)*

b) Non-affiliated (independent) taxicab vehicles must display a color scheme and logo that are not duplicative of, or substantially similar to, an existing affiliation's color scheme and logo, unless the affiliation licensee consents to use of its color scheme or logo.

c) All color schemes and logos must be approved by the ~~commissioner~~ Commissioner before being painted and displayed on the vehicles.

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SECTION 17. Section 9-112-440 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**9-112-440 License managers.**

*(Omitted text is unaffected by this ordinance)*

Any license manager licensed under this section shall not be required to obtain an additional license under 9-112-450.

SECTION 18. Section 9-112-450 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-450 License brokers.**

(a) No person shall operate as a license broker without first being licensed by the ~~commissioner~~ Commissioner, unless such person is an attorney in good standing licensed in the State of Illinois or holds a Section 9-112-440 license manager license. An applicant must apply for a license broker license using a print or electronic form prescribed by, and as directed by, the ~~commissioner~~ Commissioner and accompanied by such documents as the ~~commissioner~~ Commissioner may require and shall include, but not be limited to:

(il) Proof that the license broker has its principal place of business in Chicago;  
and

(112) Information as to whether the applicant for the license or any principal thereof has a financial interest in any lender, insurance brokerage firm or automobile dealership.

*(Omitted text is unaffected by this ordinance)*

c) All applicants for a license broker license shall deposit with the ~~commissioner~~ Commissioner a bond, in the penal sum of \$200,000.00, containing one or more sureties to be approved by the ~~commissioner~~ Commissioner. Such bond shall be payable to the City of Chicago and shall be conditioned that the license applicant or licensee will comply with the provisions of the Municipal Code of Chicago and the rules and regulations promulgated thereunder. The applicant shall pay all fines, orders of restitution, or judgments for damages ordered by the ~~department of administrative hearings~~ Department of Administrative Hearings, or a court of competent jurisdiction, based on a violation of the Municipal Code of Chicago and the rules and regulations promulgated thereunder, committed by such licensee, his agents or employees, while acting within the scope of their employment. The broker is immediately liable for satisfaction upon determination of the fine or award judgment, or, if timely appeal is taken, upon final determination of the appeal.

d) The annual fee for each license broker license is \$500.00. All license broker licenses expire on October 31. Renewal of such license must be made during the month of October. The fee shall be paid in advance before the license is issued. In order to avoid lapse

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of the license broker license, the licensee must renew the license before the expiration date of the licensing term. License broker licensing renewal fees must be paid before the first day of the licensing term. Any license broker licensing fee paid on or after the first day of the licensing term is considered a late payment, and is subject to late payment fees and interest accrued as specified in the Code and promulgated in rules by the ~~commissioner~~ Commissioner.

*(Omitted text is unaffected by this ordinance)*

(f) A license broker shall not display a taxicab broker's license which is expired, suspended or revoked, but shall surrender same to the ~~commissioner~~ Commissioner immediately.

*(Omitted text is unaffected by this ordinance)*

(i) A license broker ~~must~~ shall furnish the ~~commissioner~~ Commissioner with copies of any requested documents within three business days of such request.

(j) The ~~commissioner~~ Commissioner is authorized to promulgate rules and ~~regulations~~ governing the conduct of license brokers including, but not limited to: the form, duration and limitations on listing agreements for the transfer of licenses; disclosures by the license broker to any client or potential client regarding possible conflicts of interest based on the license broker's activities as a lender, insurance broker, or automobile dealer or the license broker's contractual relationship or financial or other interest in a lender, insurance broker or automobile dealer; advertising by the broker; forms to be used in the transfer or encumbrance of a license; and applicable penalties including but not limited to fines, license suspension, or license revocation for violation of any provision of this ordinance or the rules promulgated thereunder.

(k) Any monies paid in connection with the transfer of a license, must be held in a separate interest-bearing escrow account until the ~~department~~ Department approves the transfer of the license.

SECTION 19. Section 9-112-470 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-470 Vehicle out of service - Notice to city required.**

Every taxicab shall be operated regularly to the extent reasonably necessary to meet the public demand for service. Licensees must notify the ~~commissioner~~ Commissioner if the service of any taxicab vehicle is discontinued for a period of 20 30 continuous days for any reason. Additionally, licensees must surrender the license card and the metal plate medallion for any taxicab that is discontinued for a period of 20 30 continuous days for any reason. The ~~commissioner~~ Commissioner has the authority to demand that the licensee place into service a taxicab within five business days of the notice.

SECTION 20. Section 9-112-510 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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**9-112-510 Taximeter, fare collection and global position system specifications.**

*(Omitted text is unaffected by this ordinance)*

Taximeters shall be designed, calibrated and tested to register fares pursuant to the standards published by the National Institute of Standards and Technology (N.I.S.T.) in N.I.S.T. Handbook 44, ~~as amended~~ or standards approved by a United States governmental weights and measurements agency with authority over such standards and approved through rules promulgated by the Commissioner.

*(Omitted text is unaffected by this ordinance)*

SECTION 21. Section 9-112-550 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-550 Taxicab two-way dispatch.**

(a) No person shall operate or provide a taxicab two-way dispatch system without first obtaining a license from the ~~commissioner~~ Commissioner, unless such person has an active taxicab affiliation license issued under 9-112-340.

*(Omitted text is unaffected by this ordinance)*

SECTION 22. Section 9-112-570 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-570 Taxicab wheelchair accessible vehicles and centralized wheelchair accessible dispatch.**

*(Omitted text is unaffected by this ordinance)*

(b) (1) Any single licensee that owns or controls 20 or more licenses must place into service wheelchair accessible vehicles as taxicabs on five percent of its taxicab vehicle fleet.

(2) In addition to compliance with subparagraph (b)(1) of this section, any licensee that owns or controls 10 or more taxicab licenses shall have at least 10 percent of its taxicab fleet be wheelchair accessible vehicles by January 1, 2018, subject to the Commissioner's determination that the demand for wheelchair accessible vehicles is being met. Effective January 1, 2017, if a licensee subject to this subsection (b)(2) replaces any taxicab vehicle, the replacement vehicle, until the licensee complies with the requirement of this subsection (b)(2), shall be a wheelchair accessible vehicle.

*(Omitted text is unaffected by this ordinance)*

SECTION 23. Section 9-112-575 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-575 Taxicab driver awards.**

a) In each calendar year, one up to five taxicab medallion licenses may be awarded to the person those individuals who has have demonstrated, through their actions as a licensed public chauffeurs, the greatest dedication to providing service to persons needing wheelchair accessible vehicles. The awardee Awardees must place the awarded medallion licenses onto a wheelchair accessible vehicles.

b) The ~~commissioner~~ Commissioner is authorized to develop and administer a taxicab driver incentive program to promote outstanding taxicab service. Program awards may include the granting of up to two taxicab medallion licenses per calendar year.

SECTION 24. Section 9-112-600 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-600 Taxicab rates of fare - Revision.**

(a) The rates of fare for taxicabs shall be as set forth in this section:

*(Omitted text is unaffected by this ordinance)*

[ ] [1) Licensees may charge compensation for service based on a flat prearranged fare (for purposes of this subsection, "flat rate") for transportation of passengers between two locations.

2) Any licensee shall display the licensee's flat rate on such licensee's website and Internet-enabled application or digital platform used by the licensee to connect drivers and passengers.

3) Except as otherwise provided in Section 9-114-265, it is unlawful for a licensee to charge passengers a fare greater than the fare rate shown on the taximeter or the licensee's Internet-enabled application or digital platform.

SECTION 25. Section 9-114-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-114-040 Qualifications for license.**

(a) In order to qualify for a license, whether upon initial application or upon application for renewal of a license:

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1) an applicant shall be in compliance with all City, State of Illinois and Federal laws, and the provisions of this chapter; and

2) an applicant shall have its principal place of business in the City of i  
Chicago:

i. with respect to any corporate applicant, the corporation shall be organized or qualified to do business under the laws of Illinois and have its principal place of business in the City of Chicago; or



ii. with respect to a partnership applicant, the partnership shall have its principal place of business in the City of Chicago; or

iii. with respect to any applicant other than a corporation or partnership, he shall be a citizen or legal resident of the United States residing and domiciled in the City of Chicago^ and

3) an applicant must successfully complete a course of study which the ~~commissioner~~ Commissioner may prescribe by ruler; and

4) an applicant must register with the Department of Finance to pay the City's ground transportation tax, as required under Chapter 3-46 of this Code.

*(Omitted text is unaffected by this ordinance)*

SECTION 26. Section 9-114-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-114-050 Investigation and issuance of license.**

a) Upon receipt of an application for the issuance or renewal of a license, the ~~commissioner~~ Commissioner may investigate the applicant for compliance with this eode Code, including but not limited to: (1) the character and reputation of the applicant; and (2) the ability of the applicant to render safe transportation service, to maintain or replace the equipment for such service, and to pay all fees, fines, taxes, judgments and awards which may be rendered for any cause arising out of the operation of a taxicab during the license period.

b) Every applicant shall ~~be required to submit to fingerprinting~~ a criminal background check and shall provide photos of the applicant as required by the ~~commissioner~~ Commissioner. Applicants shall be responsible for the costs of ~~fingerprinting~~ the criminal background check and photos.

c) As part of the application process, fees sufficient to cover the costs of processing fingerprints the criminal background check and photos will be assessed in addition to the license fees set forth in section Section 9-114-070 of this Code. The fingerprinting criminal background check and photo fees will be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be set forth by- in rules and regulations promulgated by the ~~commissioner~~ Commissioner.

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(d) The licensee shall provide a vehicle that is in safe and proper condition at the time the license is issued; and shall register the vehicle in applicant's name or, in the case of a leased vehicle, shall provide a copy of the lease, in a form acceptable to the ~~commissioner~~ Commissioner, that must cover at least the duration of the license for that vehicle and must include an acknowledgment by the lessor of the vehicle that he such lessor has given his consent for the vehicle to be used as a ~~taxicab~~ public passenger vehicle as licensed.

*(Omitted text is unaffected by this ordinance)*

SECTION 27. 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:

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**9-114-170 Insurance.**

*(Omitted text is unaffected by this ordinance)*

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 liability insurance policy shall provide at least the following minimum coverage for each licensed vehicle:

For each vehicle with capacity \$1,000,000.00 combined  
of more than 10 or more single limit coverage per  
seats: occurrence

For each vehicle with a \$350,000.00 combined single  
capacity of up to and including limit coverage per occurrence 40 9 seats:

Jitney car service vehicles: \$100,000.00 combined single  
limit coverage per occurrence

*(Omitted text is unaffected by this ordinance)*

SECTION 28. Section 9-114-280 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-114-280 Solicitation of passengers prohibited.**

It is unlawful for any person to solicit passengers for transportation on any public way or in any city airport except as specifically provided by contract as approved by the ~~city council~~ City Council of the City of Chicago, pursuant to Section 10-36-270 of the Municipal Code of the City

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*(Omitted text is unaffected by this ordinance)*

Any person who violates this section shall be punished by a fine of ~~not less than \$200.00 and not more than \$1,000.00~~ as provided in Section 9-114-410. Each day that such violation shall continue shall be deemed a separate and distinct offense. In addition to fines, penalties for any violations of this section may include license suspension or revocation.

SECTION 29. Section 9-114-285 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**9-114-285 Livery chauffeurs' training requirements.**

(a) No person shall be licensed as a livery chauffeur unless such person has successfully completed a restricted chauffeur training program pursuant to in accordance with Chapter 9-104 of this Code and any rules and regulations promulgated thereto thereunder. Provided, however, that the requirements of this section and the training requirements of Chapter 9-104 applicable to a livery chauffeur applicant can be complied with by the applicant's successful completion of shall be deemed to have been met if the applicant for such license successfully completes a livery chauffeur training program approved by the commissioner Commissioner and conducted by the licensee or other authorities approved by the commissioner Commissioner. In addition to other applicable requirements, the training program conducted by the licensee or other authorities approved by the commissioner Commissioner must cover topics related to providing service to people with disabilities.

[b] It shall be unlawful for any licensee under this Chapter 9-114 to allow any individual who does not hold a valid public chauffeur license, as defined in Section 9-104-010, to operate the licensee's livery vehicle as a public passenger vehicle.

SECTION 30. With regard to the owner-operator designated taxicab medallions purchased pursuant to the 2010 City of Chicago taxicab medallion auction, the requirement restricting use of the medallion to owners/operators only is removed.

## ARTICLE X. RIDESHARE REFORM

SECTION 1. Section 9-115-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **9-115-110 Transportation network vehicles - Inspections and conditions.**

a) ~~Except as otherwise provided in subsection (b), no~~ No transportation network provider licensee shall allow any vehicle to be used as a transportation network vehicle unless such vehicle is annually inspected according to standards approved by the commissioner, and has passed such inspection.

b) ~~No-transportation network provider licensee shall allow any vehicle with a vehicle age of 6 years or older to be used as a transportation network vehicle unless such vehicle is~~

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~~inspected semi-annually according to standards approved by the commissioner, and has passed such inspection.~~

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 9-115-140 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **9-115-140 Transportation network service - Accessibility and accessibility fund.**

*(Omitted text is unaffected by this ordinance)*

(f) For purposes of this section, the term "accessibility fund" has the meaning ascribed to that term in means a fund used to improve the services of taxicabs (as defined in Section 9-112-010) and transportation network vehicles for people with disabilities. Uses of this fund include, but are not limited to, reimbursement for costs associated with converting or purchasing a vehicle to be used as a taxicab or transportation network vehicle that is fully wheelchair accessible by ramp or lift, and costs to a licensee for the provision of wheelchair accessible vehicle taxi rides to customers where the cost to provide the ride exceeds the cost charged to the customer. The maximum amount of reimbursement per taxicab vehicle from the fund, and the conditions of reimbursement and the maximum amount of reimbursement per a transportation network vehicle from the fund shall be established by rules and regulations, in consultation with, among other individuals as the commissioner r Commissioner may determine, representatives from the Mayor's Office for People with Disabilities, the community of people with disabilities, the taxi industry, and the transportation network providers industry.

SECTION 3. Section 9-115-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-115-150 Transportation network drivers - Requirements.**

*(Omitted text is unaffected by this ordinance)*

(b) (1) Any transportation network provider licensee may accept an application, in a form prescribed by the Commissioner, for the issuance or renewal of a transportation network chauffeur license. An applicant is qualified for the issuance or renewal of a transportation network chauffeur license, if the applicant:

*(Omitted text is unaffected by this ordinance)*

(iii) has not been convicted of reckless driving, hit and run, or driving with a suspended or revoked license<sup>^</sup> and has not been convicted of or placed on supervision for two or more offenses involving traffic regulations governing the movement of vehicles, or whose Illinois driver's license has not been suspended or revoked pursuant to Section 6-206 of the Illinois Vehicle Code, codified at 625 ILCS 5/6-206, within the 12 months immediately prior to applying to become a transportation network driver;

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(iv) has successfully completed an online or in-person transportation network driver's training program approved annually by the Commissioner, as part of the license issuance or renewal application, and conducted by the licensee or other authorities approved by the commissioner. In addition to other applicable requirements, such training program must cover topics related to providing service to people with disabilities;

*(Omitted text is unaffected by this ordinance)*

2) Any Each transportation network provider licensee shall: (i) perform a criminal background check, as defined by Section 9-104-010, on each transportation network chauffeur license applicant; and (ii) obtain each transportation network chauffeur license applicant's driving record. The licensee shall submit to the Commissioner the name of each applicant eligible for the issuance or renewal of a transportation network chauffeur license, attesting, in an electronic form prescribed by the Commissioner that each such applicant meets all the requirements of subsection (b). In addition, any transportation network provider licensee shall, as the Commissioner determines by rule, transmit to the Department a background check report that the licensee or a third-party vendor has performed on each transportation network chauffeur license applicant. Nothing provided in this subsection shall be construed to prohibit the Commissioner from requesting any other information that the Commissioner may reasonably require in connection with the

issuance or renewal of a license from a licensee or transportation network chauffeur license applicant.

3) After receiving: (i) the attestation provided pursuant to subsection (b)(2), and (ii) any other application information, as the Commissioner deems appropriate, the Commissioner shall issue a transportation network chauffeur license, in a form prescribed by the Commissioner, to each applicant that the Commissioner determines to be eligible for such license. A Each transportation network chauffeur license shall be issued for a maximum of a one-year period. The Commissioner is authorized to issue initial transportation network chauffeur licenses for less than a one-year period to establish an efficient system for issuing and renewing chauffeur licenses in a manner that the Commissioner determines by rule. A Each transportation network chauffeur license shall bear the name and photograph of the licensee and a license number. No person shall alter, modify or replicate a transportation network chauffeur license without authorization by the Department.

c) Any Each transportation network provider licensee shall maintain and enforce a zero-tolerance policy for intoxicating substances, which policy shall be approved by the ~~commissioner~~ Commissioner as a condition of the license. Such policy shall promote zero tolerance using a combination of appropriate means that may include education, random testing, assistance programs and counseling, among other measures.

d) The ~~commissioner~~ Commissioner may, from time to time, require licensees to provide data, as the ~~commissioner~~ Commissioner prescribes, to audit and enforce their compliance with this chapter. Nothing provided in this subsection shall be construed to prohibit the ~~commissioner~~ Commissioner from taking other enforcement.actions, as provided in this chapter, against any person that violates this chapter.

e) The ~~commissioner~~ Commissioner has authority to investigate zero tolerance complaints that the department receives through a 311 call or other equivalent complaint reporting mechanism and take appropriate actions to determine a transportation network chauffeur licensee's eligibility to operate a transportation network vehicle.

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*(Omitted text is unaffected by this ordinance)*

(h) Any Each transportation network licensee shall semi annually establish, through a process determined by rules promulgated by the ~~commissioner~~ Commissioner, that each transportation network chauffeur licensee engaged by such transportation network provider does not owe debt to the etty City.

*(Omitted text is unaffected by this ordinance)*

(i) In addition to conducting a background check on each transportation network chauffeur license applicant within the meaning of subsection (b)(2)(i) and (b)(2)(ii) of this section, a licensee shall: (i) perform a Quarterly background check on a randomly selected group of up to ten percent of the licensee's drivers, if the Commissioner determines that such check is warranted by the occurrence of an incident posing a threat to public safety; and (ii) perform a quarterly audit, and submit the results of such audit to the Commissioner, in accordance with a process prescribed by rules, to ensure compliance with subsection (b)(2)(i) and (b)(2)(H) of this section. The audit required under this subsection shall verify that the licensee has instituted procedures to ensure that its drivers have undergone a background check within the meaning of this subsection, and, upon request by the Commissioner, shall be accompanied by proof that the required background checks have been performed. Such proof shall be in the form and manner prescribed by the Commissioner in duly promulgated rules. Such rules may require that the quarterly audit required under this subsection be conducted by a Qualified, independent, third-party vendor identified by the Commissioner.

(k) A licensee, in compliance with applicable law, shall require a transportation network driver to verify his or her identity on the licensee's internet-enabled application or digital platform, using an identify verification process approved by the Commissioner after consultation with the Superintendent of Police, on a

scheduled basis, as determined by rule, after a driver has initially been approved to drive, in order to continue providing transportation network services. Examples of an identity verification process may include, but are not limited to, use of facial recognition software, a social security trace, or multi-factor authentication of a driver operating a transportation network vehicle.

(l) A licensee, or one or more licensees acting in cooperation, shall analyze and semi-annually report to the Commissioner new technologies that potentially enhance the security of transportation network vehicle passengers.

SECTION 4. Section 9-115-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-115-180 Operating regulations.**

*(Omitted text is unaffected by this ordinance)*

(h) Any Each licensee shall clearly disclose, on the licensee's on-line enabled application or digital platform and website, that the licensee is a transportation network provider.

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Additionally, the disclosure shall state that each licensee is required to maintain insurance policies as specified in Section 9-115-090.

(i) Any Each licensee shall provide proof of insurance policies required in Section 9-115-090 to each transportation network driver before the driver begins providing service and for as long as the driver remains available to provide service.

(j) (1) Licensees shall have an affirmative duty to respond to requests for service in underserved areas and to insure compliance with this subsection by the licensee's drivers. Licensees shall immediately report to the ~~commissioner~~ Commissioner any of the licensee's drivers who fails to comply with the requirements of this subsection.

*(Omitted text is unaffected by this ordinance)*

(k) Any Each transportation network driver shall, in the transportation network vehicle at all times carry: (1) ~~carry~~ proof of the insurance policies required in Section 9-115-090 covering the vehicle; (2) ~~carry~~ an electronic or paper copy of the agreement or terms of service between the driver and the transportation network provider; and (3) ~~display~~ (i) a an electronic or paper copy of the city's City's ground transportation tax registration emblem for the vehicle, to be able to immediately display to an officer or other authorized City personnel; and (ii) (4) an electronic or paper copy of the vehicle's distinctive emblem issued pursuant to section 9-115-120(b).

*(Omitted text is unaffected by this ordinance)*

(m) Any Each transportation network driver must shall comply with all Federal, State of Illinois and City of Chicago non-discrimination laws by accepting, without extra charge, riders with service animals.

*(Omitted text is unaffected by this ordinance)*

SECTION 5. Section 9-115-190 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-115-190 Restrictions on hours of operation.**

a) All licensees must implement processes to ensure that no transportation ~~vehicle~~ network driver operates a transportation network vehicle for more than 40 12 hours within a given 24 hour period.

b) No transportation network vehicle driver shall operate a transportation network vehicle for one or more licensees for more than 40 12 hours within a given 24 hour period.

(c) ■ No vehicle shall be used in the operation of as a transportation network vehicle by one or more drivers for more than 40 12 hours within a given 24 hour period.

(d) All licensees must implement processes to ensure that a driver who has operated a transportation network vehicle for 12 consecutive hours shall not operate a transportation network vehicle for a minimum of 8 consecutive hours thereafter.

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SECTION 6. Section 9-115-200 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**9-115-200 Service charges and fare rates.**

*(Omitted text is unaffected by this ordinance)*

(b) Any licensee shall display the licensee's fare rate, including any charge or fee associated with the fare, on such licensee's website and Internet-enabled application or digital platform used by the licensee to connect drivers and passengers. In addition, any licensee shall display a button for displaying a fare quote for any requested trip on the licensee's Internet-enabled application or digital platform in the same size and graphics as the licensee's trip request button.

*(Omitted text is unaffected by this ordinance)*

SECTION 7. Section 9-115-210 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-115-210 Records and reports.**

a) Every licensee shall keep accurate books and records of account of the licensee's operations at the licensee's place of business in the city for a minimum of three years. Such records shall be submitted for inspection upon the request of the ~~commissioner~~ Commissioner. Such records shall also be maintained in accordance with section 3-4-170 of this Code, and shall be produced in an electronic format or any other format required by the oity City.

b) Each licensee shall provide the following data to the ~~commissioner~~ Commissioner, on a quarterly basis and at such times and in a format and manner prescribed by the ~~commissioner~~ Commissioner in rules and regulations:

*(Omitted text is unaffected by this ordinance)*

■\2) the number and percentage of rides requested and accepted, and the number of rides requested and not accepted, by the licensee's drivers, organized according to the geographic parameters and time frames specified by the ~~commissioner~~ Commissioner:

*(Omitted text is unaffected by this ordinance)*

c) Nothing provided in this section shall be construed to require licensees to provide personally identifiable passenger information to the eity City.

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SECTION 8. Section 9-115-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-115-230 Violation - Penalty.**

a) Any licensee who violates this chapter or any rule ~~or regulation~~ promulgated hereunder shall be subject to a fine of not less than \$500.00 and not more than \$10,000.00 for each such violation. Each day that any violation shall continue shall be deemed a separate and distinct offense.

b) Any person other than a licensee who violates any of the provisions of this chapter or any rule ~~or regulation~~ promulgated hereunder, shall be subject to a fine of not less than ~~\$500.00~~ \$100.00 and not more than \$1,000.00 for each such violation. Each day that any violation shall continue shall be deemed a separate and distinct offense.

*(Omitted text is unaffected by this ordinance)*

**ARTICLE XI. CHICAGO RIVERWALK**

SECTION 1. Section 10-36-145 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**10-36-145 Chicago Riverwalk.**

a) Definitions. For purposes of this section, the following definitions shall apply:

"Authorized concession stand" means any concession stand authorized to operate within the Chicago Riverwalk.

"Chicago Riverwalk" has the meaning ascribed to the term in section 2-32-1300(a).

"Commissioner" means the ~~commissioner~~ Commissioner of fleet Fleet and ~~facility management~~ Facility Management.

b) Hours of operation. Except as otherwise provided by the ~~commissioner~~ Commissioner, the



Chicago Riverwalk shall be closed to the public between the hours of 11:00 P.M. and 6:00 A.M. The ~~commissioner~~ Commissioner shall post and maintain permanent signs designating the hours during which public access to the Chicago Riverwalk is prohibited.

c) Violation of hours of operation - Unlawful act - Exceptions. Except as otherwise provided by the ~~commissioner~~ Commissioner, it shall be unlawful for any person or vehicle to be in any facility or on the grounds of any part of the Chicago Riverwalk between the hours of 11 00 P.M. and 6:00 A.M. Provided, however, that this prohibition shall not apply to: (i) persons disembarking from a commercial tour boat and passing through the Chicago Riverwalk, without

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stopping, to the exit nearest to their point of destination; (ii) persons doing work consistent with the operational needs of any licensed venue or authorized concession stand located in any part of the Chicago Riverwalk, or persons entering or exiting the Chicago Riverwalk in conjunction with or upon completion of such work, including, but not limited to, deliverymen, security personnel, repairmen and employees of a licensed venue or authorized concession stand acting within the scope of their employment; (iii) authorized city City personnel acting within the scope of their lawful duties; (iv) vehicles doing work consistent with the operational needs of any licensed venue or authorized concession stand located in any part of the Chicago Riverwalk, or vehicles entering or exiting the Chicago Riverwalk in conjunction with or upon completion of such work, including, but not limited to, delivery vehicles and repair vehicles; and (v) ~~police department~~ Police Department vehicles, ~~fire d~~ department Fire Department vehicles, emergency vehicles and other vehicles clearly marked as the property of the city. Any person who violates this subsection shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

d) Concession agreements. Subject to the approval of the ~~budget director~~ Budget Director, and of the ~~corporation counsel~~ Corporation Counsel as to form and legality, the ~~commissioner~~ Commissioner is authorized, after publicly soliciting proposals, to negotiate and execute on behalf of the city City concession agreements for food, beverages, goods and services within the Chicago Riverwalk for a term not to exceed 36 months. The ~~commissioner~~ Commissioner may extend, renew or continue such initial agreement for two additional consecutive terms of up to 12 months each. Provided, however, that no extension, renewal or continuation of such initial agreement shall extend beyond a totality of 60 months, 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 60 months.

e) Temporary use agreements. The ~~commissioner~~ Commissioner is authorized to enter into use agreements, subject to the approval of the ~~©~~Corporation eCounsel as to form and legality, for the temporary use of space and facilities within the Chicago Riverwalk. The ~~commissioner~~ Commissioner shall only enter into such temporary use agreements that the ~~commissioner~~ Commissioner determines enhance and are consistent with the unique nature of the Chicago Riverwalk.

The term of any such temporary use agreement shall not exceed 30 calendar days; provided, however, that the ~~commissioner~~ Commissioner may extend, renew or continue such initial agreement for up to 60 150 additional consecutive days. No such temporary use agreement shall be for the sponsorship of an event, which shall be governed by subsection (g). ~~Nor shall any such use agreement be for a concession to sell food,~~

beverages, goods or services, which shall be governed by subsection (d); provided, however, that notwithstanding this provision or subsection (d) a temporary use agreement under this subsection may provide for the sale of food, beverages, goods or services that meet if the following criteria are met:

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(4) ~~the food, beverages, goods or services must be connected to or promote the temporary use itself, including, but not limited to, the sale of flowers by the vendor during a flower show or the sale of t-shirts or compact disks by the vendor during a concert;~~

{2} ~~the sale of any food, beverages, goods or services must be incidental to the primary purpose of the use agreement;~~

(3){1} ~~the food, beverages, goods or services must not endanger the public health or safety; and~~

(44)(2) the sale of foods, beverages, goods and services must not conflict with any contractual obligation of the city. ~~Civrr; and~~

(3) no alcoholic beverage shall be sold or served unless all applicable licenses and permits have been obtained and all applicable Code requirements have been met.

The fees and conditions for temporary use agreements shall be determined by the ~~commissioner~~ Commissioner, giving consideration to the size and nature of the space, the duration of the event temporary use and the unique nature of the Chicago Riverwalk. The ~~commissioner~~ Commissioner may adopt and enforce rules consistent with this subsection for awarding such temporary use agreements.

f) ~~Acceptance of grants and assets. Subject to the approval of the budget director~~ Budget Director, the ~~commissioner~~ Commissioner is authorized to accept grants of funds and other tangible and intangible assets pertaining to the Chicago Riverwalk. In connection with the acceptance of such funds and assets, the ~~commissioner~~ Commissioner is authorized, subject to the approval of the ~~corporation counsel~~ Corporation Counsel as to form and legality, to enter into and execute such ancillary agreements on behalf of the eity City, as may be necessary or appropriate, which agreements may include indemnification by the eity City and right of entry.

g) ~~Agreements for sponsorship of events - Construction of section. Subject to the approval of the budget director~~ Budget Director, and of the ~~corporation counsel~~ Corporation Counsel as to form and legality, the ~~commissioner~~ Commissioner is authorized to enter into and execute agreements with persons, including, but not limited to, commercial or other business sponsors or media sponsors, for the sponsorship of events within the Chicago Riverwalk for a term not to exceed 36 months. Subject to the approval of the ~~budget director~~ Budget Director, the ~~commissioner~~ Commissioner may extend, renew or continue such initial agreement for up to 24 additional consecutive months. The terms and conditions of such agreements shall be determined by the ~~commissioner~~ Commissioner, giving consideration to the duration and extent of the sponsorship and the nature of the event being sponsored. In those sponsorship agreements entered into directly with a sponsor, in which the sponsor's participation in the event is limited to providing money to the eity City, and where the sponsor is only represented at the event by signage, or where the sponsor is a governmental entity, the ~~ecommissioneF~~ Commissioner may elect not to require the sponsor to indemnify the eity City. All sponsorship agreements shall provide the eity City the right, with or without cause, to terminate such agreements prior to

their expiration date. Provided, however, that with respect to any special

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event designated as such in the city's City's special event ordinance for that year that will be held within the Chicago Riverwalk, the provisions of the special event ordinance shall control the sponsorship and production of that special event within the Chicago Riverwalk. and nothing in this section shall be construed to limit or restrict any provision of the city's City's special events ordinance for the sponsorship and production of such special event.

(h) Rules. The ~~commissioner~~ Commissioner is hereby authorized to adopt and enforce rules to implement this section. Such rules may include, but are not limited to, the following: (1) protecting the health and safety of Chicago Riverwalk patrons and facilities, (2) establishing hours of operation for the Riverwalk and for facilities or venues located within the Chicago Riverwalk, and (3) prohibiting or regulating activities that may unreasonably disrupt pedestrian traffic flow or the quiet enjoyment of Chicago Riverwalk resources. The ~~commissioner~~ Commissioner may post signs within the Chicago Riverwalk setting forth these rules, as well as directional signs.

*(Omitted text is unaffected by this ordinance)*

(j) Chicago Riverwalk - Revenue. All revenue received by the city City from the sources identified in subsection (b) of Section 2-32-1300 shall be governed by Section 2-32-1300.

## ARTICLE XII. DANGEROUS ANIMALS

SECTION 1. Section 7-12-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **7-12-040 Impounding animals that are stray.**

Any stray animal shall may be immediately impounded by an animal control officer.

SECTION 2. 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 - Investigation, Ddetermination<sub>2</sub> and requirements.**

The 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 or an animal control officer Department shall evaluate the seriousness of the complaint or report and, if the circumstances warrant, may conduct an investigation of the facts. Where necessary, practicable, and readily located, the investigation shall may include, but not

be limited to, interviewing the complainant, the human victim, if any, the victim animal's owner, the biter animal's owner, any witnesses, and also include observation of the animal and the scene, and any other relevant information presented by the owner. The investigator Department 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 Department uncovers evidence of inhumane treatment of any animal in violation of Section 7-12-090 7-12-080, he or she shall make the Department shall make a written finding of the specific violation and forward swob the written finding to the Executive Director. For purposes of this section, a police report may support the Department's determination constitute an investigation and may include a finding of dangerousness. Based upon the investigator's finding of a dangerous animal When making the determination, the Executive Director shall take into consideration the totality of the circumstances, including the behavior of all of the participants that led to the incident. The the Executive Director shall declare in writing whether the animal is a dangerous animal and issue appropriate requirements as set forth in Section 7-12-050.

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 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 shall order the humane destruction of the animal.~~

#### Euthanasia.

1) The Executive Director shall order the euthanasia of a dangerous animal that has been declared dangerous because it has caused death to a person.

2) Where an animal is declared to be a dangerous animal because it has been found to have caused the death of another domestic animal, or severe injury to any person or domestic animal, the Executive Director may order the euthanasia of the animal, where appropriate, taking into consideration the severity and the circumstances of injury or death.

c) ~~Subject to subsection (g) of this section, in~~ In all cases where an animal is declared to be a dangerous animal and the animal is not ~~humanely destroyed~~ euthanized, the 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 outdoor enclosure penr structure, or fence, suitable to prevent the entry of young children and designed to prevent the animal from escaping; or both an indoor and outdoor enclosure that meets the above criteria. If the owner chooses to securely confine the dangerous animal within an outdoor enclosure, such Such pen, structure, or fence enclosure must be a minimum of six feet in height and must have secure sides and top. If it the enclosure 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 have an area which provides protection from the elements for the animal from the elements and extreme temperatures. 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. The enclosure and fence shall be erected within thirty days of the declaration that the animal is a dangerous animal. An owner whose animal will be exclusively confined indoors must

submit to the Executive Director a sworn, notarized declaration that the animal will be

exclusively confined indoors.

*(Omitted text is unaffected by this ordinance)*

(3) Within 24 hours of the declaration that the animal is a dangerous animal, the owner must display, in a conspicuous manner, a sign on the owner's premises warning that a dangerous animal is on the premises by stating in capital letters:

"Warning-Dangerous Animal-Koop Away." "WARNING - DANGEROUS ANIMAL - KEEP AWAY."

If the owner lives in a free-standing residence or a townhome, the sign must be visible and legible from the public way and from 50 feet away from the special enclosure required pursuant to subsection (c)(1) above. If the owner lives in an apartment or multiunit dwelling and the animal is kept solely within the dwelling, the sign must be placed on both the front and back entries to the unit.

*(Omitted text is unaffected by this ordinance)*

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

(7) The owner must confine the dangerous animal indoors or within a securely locked outdoor enclosure ~~to the secure enclosure~~ described above in subsection (e)(1) at all times and only allow the animal out under the conditions set forth in subsection (e)(2) when it is necessary to obtain veterinary care for the animal, comply with a court order, or where an emergency is declared by a government agency requiring evacuation of the owner.

*(Omitted text is unaffected by this ordinance)*

(d) ~~Where the owner's address can be reasonably ascertained,~~ When an animal has been impounded pursuant to this section, the Executive Director shall send written notice to the last known address of the animal's owner ~~by first class mail.~~

1) When the animal has been impounded pursuant to subsection (f) below, the notice shall: (i) be sent within 30 days after the first day of impoundment; and (ii) advise the owner of the impoundment, the investigation, and the fees due under Section 7-12-120 or other applicable ordinance or rule.

2) ~~if, stating that his or her~~ the animal has been declared a dangerous animal by the Executive Director, the notice shall ~~describing~~ describe the basis for such declaration by specific behavior and date(s) of occurrence, setting forth all applicable orders and ~~restrictions~~ requirements imposed, reason of such declaration, and informing the owner of his or her the right to appeal ~~such~~ the determination by filing a written request for a hearing within seven ~~ten~~ days of service of the notice.

3) A Written notice shall be deemed served on the date the notice is mailed.

4) If there is a complainant or victim, and the Department has contact information for that individual, the Department shall also send the individual a copy of the

~~declaration. A copy of such notice shall be sent to the complainant, if any. Where the animal has been impounded pursuant to subsection (f) below, such notice shall be sent within 30 days after~~ ~~nt.~~ ■ such impoundme

(e) . If the owner requests a hearing, the Department of Administrative Hearings shall appoint an administrative law officer who shall hold a de novo hearing within 30 days of the request, 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'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 has ordered humane ~~destruction~~ euthanasia of the dangerous animal, that order shall not be carried out until 36 seven-days after issuance of the final order, ~~the hearing~~; if Jf the owner appeals files for administrative review and presents notice of the complaint to the Department within 35 days of the issuance of the final order, ~~to the circuit court during that time period, that order the final order shall be stayed until resolution of such appeal.~~

f) When a complaint has been made or a bite reported, and when the circumstances of the bite incident suggest that an animal will be declared a dangerous animal, ~~Where there is probable cause to believe that an animal is a dangerous animal,~~ the Executive Director or his designee is authorized to either (1) impound and hold such animal, at the owner's expense or (2) impose one or more of the requirements set forth in subsection (c) above, pending the completion of the dangerous animal investigation and final resolution of any appeals. Should an owner fail to comply with requirements issued by the Executive Director under this subsection (f)(2), the Executive Director shall impound and hold the animal at the owner's expense. Where the animal has caused severe injury or death to any person, the Executive Director or his designee ~~is re-~~ quired ~~to~~ shall 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~~ Section 7-12-052 or before the 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) Owners of guard ~~Guard~~ dogs and owners of dogs which have been found to be "vicious dogs" under state law, ~~automatically are required to~~ shall comply with the requirements of Section 7-12-050(c)(1) - ~~(4) and (e)~~ through (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 the ~~his or her~~ animal is used as a guard dog the hearing procedure set forth in subsection (e) of this section shall apply. The Department may promulgate rules and ~~re-~~ gulations 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 3. 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 as 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 Department. In addition to the penalties set forth above, the Executive Director may order an owner who violates Section 7-12-050 to attend with ~~his or her~~ the animal a course of animal obedience training approved by the 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 may order the owner to comply with any of the alternatives set forth in Section 7-12-050(b) and (c), including humane destruction the euthanasia 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 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 4. 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 described in Section 7-12-050 by the Executive Director or his designee.

*(Omitted text is unaffected by this ordinance)*

d) Where When 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 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 dog service 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.

SECTION 5. 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:

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

a) Subject to the exceptions provided in subsections 7-12-060(b), and 7-12-060(c), and (d), the Department, or any agency the Department may designate to take possession of animals for the purposes of impounding, shall hold impounded animals for a minimum of 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 chapter, 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 Department under owner signature authorizing the 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 or the Executive Director's designee.

b) Any impounded animal of unknown ownership that remains unredeemed after three days shall be the property of the ~~Commission~~ Department. The Executive Director may allow the adoption or transfer of any animal of unknown ownership after three days of impoundment, or any other disposition of the animal after five days of impoundment. In the event the Executive Director determines that an animal of unknown ownership suffers from severe behavioral issues, the Executive Director may allow any disposition of the animal after three days impoundment. 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.

*(Omitted text is unaffected by this ordinance)*

## ARTICLE XIII. 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)*

References in this Code to the power to close a business, establishment or premises, in whole or in part, for engaging in unlicensed business activity in violation of this Code, including but not limited to violation of Title 4 or Title 9 of this Code, shall include, without limitation, the power to issue a cease and desist order or any other lawful order necessary or appropriate to accomplish the closure.

SECTION 2. Section 2-29-080 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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### 2-29-080 Disasters - Badges for admission within cordoned limits.

(a) ~~The executive director~~ Executive Director or his designee may issue badges to: ■

- 1) Members of the press upon their written request; or
- 2) Employees of utilities, as defined in Section 2-29-060, upon the written request of any such utility over the signature of its president and secretary; or
- 3) ~~Other non-governmental personnel whose presence at an emergency situation site is necessary for emergency response~~ deemed appropriate by the Executive Director or designee; or
- 4) ~~Employees of the office of emergency management and communications~~ Office of



Emergency Management and Communications or such other employees of the City of Chicago who are required by their duties to access a disaster site;

The executive director or his designee may also issue badges when, in his discretion, the issuance of such badges is necessary to prevent the destruction of property or to serve the general public. The executive director or his designee may obtain assistance from the department of police Department of Police in determining the suitability of an individual for a badge issued under this section, and at his discretion may recall any badge so issued.

*(Omitted text is unaffected by this ordinance)*

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)*

aa. Subject to the annual availability of duly appropriated funds and the approval of the corporation counsel Corporation Counsel as to form and legality, to negotiate and execute fleet leases on behalf of the city City. The duration of such leases shall not be subject to the time and term limitations in 65 ILCS 5/8-1-7;

*(Omitted text is unaffected by this ordinance)*

SECTION 4. Section 2-112-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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**2-112-150 Grants and other agreements.**

a) The ~~commissioner~~ Commissioner shall have the power to: (i) apply for gifts and grants of services, equipment, supplies, materials, or funds from the United States, the State of Illinois, other government entities, their agencies or officers, or from any person, foundation, association, not-for-profit corporation, firm or corporation, and (ii) to enter into contracts and agreements resulting in gifts or grants from these and other sources. The ~~commissioner~~ Commissioner shall notify the ~~mayer~~ Mayor, the ~~budget director~~ Budget Director, and the ~~comptroller~~ Comptroller of each such action. The ~~commissioner~~ Commissioner shall have the power to expend such receipts on projects that implement the policies of the ~~department of health~~ Department of Health, provided that all expenditures of grant and/or contract funds shall be subject to the same policies and practices as the expenditure of corporate funds, including the provisions of career service rules.

b) The ~~commissioner~~ Commissioner shall have the power to; (i) make grants or subgrants of duly appropriated funds, (ii) make grants or subgrants of personal property including, but not limited to, vaccines,

HIV testing kits and condoms, (iii) execute or amend grant or subgrant agreements to effectuate the purposes of this subsection (b), and (iv) execute such documents and provide any information, assurances or certifications necessary or appropriate to effectuate the purposes of this subsection (b).

(c) ~~The commissioner~~ Commissioner shall encourage and conduct such studies, investigations and research as in his judgment will promote and improve public health. Such activity may be carried out jointly with public or private entities. In furtherance thereof, the commissioner Commissioner shall have the power to enter into agreements with public and private entities for the sharing and other use of public health-related data. Any such agreements shall comply with applicable law governing privacy. In order to effectuate such agreements, the commissioner Commissioner is authorized: (i) subject to the availability of duly appropriated funds, to pay application, processing, and other fees, and (ii) to execute ancillary documents and provide ancillary information, assurances or certifications. Nothing in this chapter shall be construed to create an obligation to enter into a data use agreement prior to the sharing or other use of public health-related data.

(d) ~~The commissioner~~ Commissioner shall have the power to enter into contracts with health plans, insurance companies, and managed care entities for reimbursement for health care services provided by the department, including clinical, planning, data analysis, care coordination, quality improvement, and data sharing.

SECTION 5. Section 2-112-160 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**2-112-160 Commissioner - Additional powers and duties.**

~~The commissioner of health~~ Commissioner of Health shall have the following powers and duties:

(a) Public health related powers and duties:

*(Omitted text is unaffected by this ordinance)*

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(7) To request, collect, receive, and maintain confidential information, records, and data, including protected health information consistent with 45 C.F.R. § 164.512(b)(1)(i), for the purpose of preventing or controlling disease, injury, or disability. The confidential information, records, and data may support activities including, but not limited to, the reporting of disease, injury, or vital events such as birth or death; the conducting of public health surveillance, public health investigations, and public health interventions; the performance of epidemiological studies; and the application of data science methods or other analytic models that protect and promote public health.

*(Omitted text is unaffected by this ordinance)*

SECTION 6. Section 4-60-140 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-60-140 Prohibited activities.**

*(Omitted text is unaffected by this ordinance)*

(l) No holder of a package goods license shall sell, permit to be sold, or give away single containers of wine or liquor that hold less than 25 fluid ounces (739 milliliters), or single containers of beer or malt liquor that hold less than 41 fluid ounces (1213 milliliters) between 12:00 a.m. (midnight) and the legally established hour of closing 7:00 a.m. or the legally established hour when the licensee may commence the sale of package goods, whichever is later. The restriction of this subsection does not apply to a manufacturer's package containing more than one container of beer, malt liquor, wine, or liquor that is sold as a single unit. A licensee open after midnight shall post a sign visible in the area of the sales register clearly communicating the prohibition on the sale after midnight of single containers described in this subsection.

#### **ARTICLE XIV. 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.

#### **ARTICLE XV. EFFECTIVE DATES**

SECTION 1. Section 4 of Article XII of this ordinance and Section 9-114-170 shall be effective upon passage and approval.

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

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CHICAGO, November 15, 2017

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.

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Carrie M. Austin Chairman