



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Details (With Text)

File #: O2018-8059

Type: Ordinance **Status:** Passed

File created: 10/31/2018 **In control:** City Council

Final action: 11/7/2018

Title: Amendment of Municipal Code Titles 2, 4, 7, 8, 9, 10, 11, 13 and 15 (2019 Municipal Code Corrections Ordinance)

Sponsors: Emanuel, Rahm

Indexes: Ch. 4 Bureau of Fire Prevention, Ch. 4 Environmental Protection & Control, Ch. 8 Food Establishments, Ch. 20 Weapons, Ch. 21 Chicago Underground Facilities Damage Prevention Ordinance, Ch. 26 Gun Offender Registration Ordinance, Ch. 29 Wires, Pipes, Cables & Conduits On, Under or Over Public Property, Ch. 30 Telecommunications Equipment On, Over or Under Public Ways, Ch. 32 Dept. of Finance, Ch. 36 Parks, Playgrounds & Airports, Ch. 38 Food Establishments-Sanitary Operating Requirements, Ch. 45 Dept. of Planning & Development, Ch. 60 Liquor Dealers, Ch. 64 Tobacco Dealers, Ch. 68 Restricted Parking-Permits & Regulations, Ch. 78 Civilian Office of Police Accountability, Ch. 80 Miscellaneous Rules, Ch. 92 Dept. of Purchases, Contracts & Supplies, Ch. 96 Miscellaneous Buildings & Structures, Ch. 100 Admin. Adjudication of Parking, Compliance, Automated Traffic Law Enforcement System or Automated Speed Enforcement System Violations, Ch. 112 Board of Health, Ch. 114 Public Passenger Vehicles other than Taxicabs, Ch. 120 Materials, Methods & Tests, Ch. 232 Motor Vehicle Storage & Sales, Ch. 244 Peddlers, Ch. 298 Elevator Mechanic Contractors

Attachments: 1. O2018-8059.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|---|---------------------|--------|
| 11/7/2018 | 1 | City Council | Passed | Pass |
| 11/5/2018 | 1 | Committee on Budget and Government Operations | Recommended to Pass | |
| 10/31/2018 | 1 | City Council | Referred | |

OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

October 31, 2018

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF
CHICAGO

Ladies and Gentlemen:

At the request of the Budget Director, I transmit herewith the 2019 Code Correction ordinance.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

CODE CORRECTION 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, From time to time, provisions of the Municipal Code are identified as being obsolete, erroneous, unworkable, or otherwise in need of correction; and

WHEREAS, Maintaining an up-to-date and accurate Municipal Code is a matter pertaining to the government and affairs of the City of Chicago; now, therefore,

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

SECTION 1. Section 2-32-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-32-030 Comptroller - Powers and duties as fiscal agent.

The Comptroller ~~comptroller~~ shall be the fiscal agent of the City and as such shall be charged with and shall exercise general supervision over all officers of the City charged in any manner with the receipt, collection or disbursement of the City revenues and all funds required to be in the custody of the City Treasurer ~~city treasurer~~. ~~It shall be the duty of the City of Chicago's Chief Financial Officer to post City Asset Lease Agreements and accounting information detailing the utilization of City asset lease proceeds as required by Section 2-32-035 on the City of Chicago, Department of Finance website.~~

The Comptroller He shall have charge of all contracts, judgment orders, notes, bonds, and evidences of indebtedness belonging to the City ~~etty~~ except such as are directed by law or ordinance to be deposited elsewhere. He shall have supervision of the issuance and sale of all bonds, warrants[^] and obligations.

It shall be the duty of the City of Chicago's Chief Financial Officer to post City Asset Lease Agreements and accounting information detailing the utilization of City asset lease proceeds as required by Section 2-32-035 on the City of Chicago, Department of Finance website.

SECTION 2. Section 2-45-117 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-45-117 Near north/near west affordable housing pilot area.

(Omitted text is unaffected by this ordinance)

(E) Boundaries. The Near North/Near West Pilot Area is divided into two zones: the Near North Zone and the Near West Zone. A map of the Near North/Near West Pilot Area and its two zones is published in the

Journal of the Proceedings of the City Council of the City of Chicago 40—17, page - 2-28-18, page 66728, and on file in the office of the city clerk

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City Clerk and made a part hereof. The boundary lines of the Near North/Near West Pilot Area follow streets, and such boundary lines are to be construed as the centerlines of said streets.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 2-78-120 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-78-120 Office and chief administrator - Powers and duties.

The Office and Chief Administrator shall have the following powers and duties:

(Omitted text is unaffected by this ordinance)

(x) Subject to applicable law and in the Chief Administrator's discretion, to reopen any closed Office or Independent Police Review Authority investigations if:

(Omitted text is unaffected by this ordinance)

(iii) Following a review or audit of an investigation by the Deputy Inspector General for Public Safety, the Deputy Inspector General for Public Safety recommends that the investigation be reopened. If the Chief Administrator declines to reopen a closed investigation pursuant to this subparagraph (it) (ijj), the Chief Administrator shall provide a written explanation of its reasons to the Deputy Inspector General for Public Safety.

Nothing in this chapter shall preclude the Chief Administrator from referring a complaint or information concerning a member of the Police Department to the Office of the Inspector General, or to appropriate federal, state or local law enforcement authorities. Nor shall anything in this chapter preclude the Office from conducting an investigation within its jurisdiction concurrently with an active criminal investigation.

SECTION 4. Section 2-92-586 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-92-586 Contracts - Business enterprises owned or operated by people with disabilities.

(a) Whenever used in this section, unless the context otherwise requires, the following words and phrases have the following meanings:

(1) "Business enterprise owned or operated by people with disabilities" or "B.E.P.D." means: (A) a business certified by the State of Illinois as a qualified service-disabled veteran-owned small business pursuant to 30 ILCS 500/45-57; or (B) an entity, except for those entities that constitute an established business based on the size standards set forth in Section 2-92-420 of the Municipal Code, or individual that is certified by the Chief Procurement Officer ~~chief procurement officer~~ or a certifying agency in accordance with Section 2-92-495 of this Code, as meeting one of the following criteria:

(Omitted text is unaffected by this ordinance)

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b) The Chief Procurement Officer ~~chief procurement officer~~ will include in contracts advertised, or if not advertised, awarded after the effective date of this section, and where not otherwise prohibited by federal or state law, a statement encouraging contractors to use subcontractors that are B.E.P.D.s.

c) The Chief Procurement Officer ~~chief procurement officer~~ is authorized to enter into agreements for goods, work or services with B.E.P.D.s., using such procurement processes as he reasonably deems appropriate.

d) The head of any executive department or agency of City city government who exercises any contracting power on behalf of the City city beyond the scope of Chapter 2-92 of the Municipal Code will to the extent practicable encourage the use of contractors and subcontractors that are B.E.P.D.s.

e) The Chief Procurement Officer ~~chief procurement officer~~ or his designee will establish procedures for determining when applicants qualify as B.E.P.D.s. The Department of Procurement Services ~~department of procurement services~~ will maintain a directory of certified B.E.P.D.s and make that directory available to the public.

f) The Chief Procurement Officer ~~chief procurement officer~~ will compile a report during the first quarter of each calendar year detailing compliance and the methods used to achieve compliance with the requirements of this Section 2-92-585 2-92-586.

g) The Commissioner ~~commissioner~~ of the ~~mayer's office for people with disabilities~~ Mayor's Office for People with Disabilities will conduct outreach programs to encourage firms to become certified as B.E.P.D.s, and to seek contracting opportunities with the City City.

h) The Chief Procurement Officer ~~chief procurement officer~~ may promulgate administrative rules and regulations implementing this Section 2-92-585 2-92-586.

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.

(Omitted text is unaffected by this ordinance)

(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.

(7-)(8) To adopt such rules as the Commissioner may deem necessary or appropriate for the proper administration or enforcement of the provisions of this Code pertaining to the regulation of food establishments, including Chapters 4-8, 7-38, 7-40, and 7-42 of this Code. The Commissioner shall not promulgate any rule pursuant to this subsection until a public hearing is held on such rule or until an opportunity for the public to submit their comments in written form is provided. The Commissioner shall not give less than ten (10) calendar days'

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notice of the time and place of any hearing by publication in a newspaper of general circulation published within the City. In the event that written comments are solicited, public notice shall be given by e-mailing a

notice of the solicitation of written comments to all persons who have filed a request with the Department of Health for notice of the Commissioner's intention to issue such rules. The Commissioner shall accept written comments for a period of not less than thirty (30) calendar days from the date of the notice. Notices of all public hearings shall also be e-mailed to persons who file such a request for notice with the Department. Notices of public hearings and solicitations of written comments shall also be posted on a bulletin board erected in the offices of the Department of Health in an area which is accessible to the public. However, the Commissioner shall have the power to make reasonable administrative and procedural rules interpreting or clarifying the requirements which are specifically prescribed in this chapter and Chapters 4-8, 7-38, 7-40, and 7-42 of this Code, without notice, hearing or solicitation of written comments;

(8)(9) For purposes of carrying out the requirements of this Code, relating to the public health, the Commissioner of Health or anyone authorized to act for him the Commissioner shall be permitted at all times to enter into any structure in order to make a thorough examination to determine the presence or absence of health hazards.

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 4-8-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-8-010 Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter and Chapters 7-38, 7-40 and 7-42 unless the context clearly indicates that another meaning is intended. The listing of items as examples in any definition is intended to be illustrative and not exhaustive.

(Omitted text is not affected by this ordinance)

"Shared kitchen" means (1) any establishment used as a place of business for the exclusive or primary purpose of utilizing, leasing or renting its kitchen space to individuals or entities for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose; or (2) any retail or wholesale food establishment licensed or required to be licensed under this chapter that leases, rents or otherwise makes kitchen space available at such establishment for utilization by individuals or entities for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose that is secondary or incidental to the establishment's primary business activity of retail or wholesale food establishment.

"Shared kitchen long-term user" shall mean a shared kitchen user who utilizes, leases, or rents kitchen space at any licensed shared kitchen for 91 or more days within the applicable two-year license period.

"Shared kitchen short-term user" shall mean a shared kitchen user who utilizes, leases, or rents kitchen space at a shared kitchen for 90 or fewer consecutive calendar days.

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"Shared kitchen user" or "user" means any person who utilizes, leases or rents kitchen space at any shared kitchen licensed or required to be licensed under this chapter.

(Omitted text is not affected by this ordinance)

SECTION 7. Section 4-8-039 of the Municipal Code of Chicago, as amended by: (1) an ordinance passed on February 22, 2017, and published at pages 43924 through 43926 of the Journal of the Proceedings

of the City Council of the City of Chicago of that date; and (2) an ordinance passed on December 13, 2017, and published at pages 63304 through 63306 of the Journal of the Proceedings of the City Council of the City of Chicago, of that date, is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-8-039 Shared kitchen user license.

"Shared kitchen long-term user" shall mean a shared kitchen user who utilizes, leases or rents kitchen space at any licensed shared kitchen for a term of two years.

~~"Shared kitchen short-term user" shall mean a shared kitchen user who utilizes, leases or rents kitchen space at a shared kitchen for 90 or fewer consecutive calendar days.~~

a) (1) Shared kitchen user license required - Covered activities. A shared kitchen user license under this section shall be required to engage in any of the following business activities ("covered business activities"): (1) shared kitchen long-term user; or (2) shared kitchen short-term user. The business activity authorized under the shared kitchen user license shall be indicated on the face of such license.

(2) *Shared kitchen user license - Scope of authorized activity.*

i) Shared kitchen long-term user. A shared kitchen user license under this section authorizing the holder of such license to engage in the business of shared kitchen long-term user is subject to no limitation on (1) the number of calendar days that such long-term user may utilize, lease or rent a properly licensed shared kitchen during the applicable two-year license period, or (2) the number of properly licensed shared kitchens that such long-term user may utilize, lease or rent during the applicable two-year license period. Nothing in this subsection (b){a}(2)(i) shall be construed to prohibit a shared kitchen from renting, leasing or otherwise authorizing the use of such licensee's shared kitchen for a period of less than two years.

ii) Shared kitchen short-term user. A shared kitchen user license under this section authorizing the holder of such license to engage in the business of shared kitchen short-term user entitles such licensee to utilize, lease or rent space at a properly licensed shared kitchen, or any combination of properly licensed shared kitchens, for a period not to exceed ninety (90) consecutive calendar days, as measured from the date that such shared kitchen user license is issued. Nothing in this subsection (b)(a)(2)(ii) shall be construed to prohibit a shared kitchen licensee from renting, leasing or authorizing the use of such licensee's shared kitchen for a period of less than ninety (90) consecutive calendar days.

b) License application. In addition to meeting the requirements set forth in Section 4-8-030, an application for, and, if requested, a renewal of a shared kitchen user license under this section shall be accompanied by the following information:

1) whether the applicant or licensee, as applicable, is seeking to utilize, lease or rent space at a licensed shared kitchen for (a) 90 or fewer calendar days ("short-term shared kitchen user") or (b) for a two year term ("long-term shared kitchen user")

2) a menu of the food items that such user intends to prepare, store, taste test, develop, package or otherwise handle or use for food-related purposes at the applicable shared kitchen; and

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(3) a written statement, signed by the owner or operator of each applicable licensed shared kitchen that the applicant uses or intends to use, containing the following information about each such shared kitchen: (i) the name and address of the shared kitchen, (ii) the shared kitchen's license number, (iii) a written authorization, signed by the owner or operator of the shared kitchen, stating that the applicant for the shared kitchen user license has been authorized by such owner or operator to rent, lease or utilize kitchen space at such shared kitchen; and (iv) the start date and, if any, the end date to which such authorization applies.

It is a condition of the license that all information in the license application be kept current. Any change in required information shall be reported in writing to the Commissioner of Business Affairs and Consumer Protection within fourteen (14) business days of such change.

(c) License issuance prohibited when. In addition to the prohibitions set forth in Section 4-8-025, no shared kitchen user license shall be issued under this section:

1) if the Department of Health fails to approve as safe the contents of any menu required under subsection (b)(4)(2) of this section to be submitted as part of the license application;

2) at the time of application for the initial license, unless and until the license applicant

completes a consultation with the Department of Health to review the applicant's proposed use of the applicable shared kitchen(s) and proposed food safety operations at such shared kitchen.

(d) Duties. A shared kitchen user shall have the following duties:

1) Conformity to approved menu required- Notification and approval of changes to approved menu required. A shared kitchen user licensee shall conform to the menu approved by the Department of Health. Prior to adding any new item of food to such menu, or any new and time/temperature control for safety food to any approved item of food on such menu, a shared kitchen user shall first obtain written permission to do so from the Department of Health. The shared kitchen user shall provide a copy of the menu approved by the Department of Health and any written permission obtained from the Department of Health pursuant to the requirements of this subsection (d)(1) to the licensee of each shared kitchen at which such shared kitchen user engages in the business of a shared kitchen user;

2) Conformity to food safety requirements and approved operational practices required. A shared kitchen user shall (i) comply with all food safety requirements set forth in the Municipal Code of Chicago and any rules promulgated thereunder; and (ii) conform to any operational practice required or approved by the Department of Health in connection with the issuance of a license under this section. The shared kitchen user and applicable shared kitchen licensee shall be jointly and severally liable for any violation of the requirements of this subsection (d)(2);

3) Time/temperature control for safety food - Sanitation certificate required. At all times that time/temperature control for safety food is being prepared, tasted, handled, packaged, prepared for storage, served or otherwise used at a shared kitchen by a shared kitchen user, such shared kitchen user shall have on site at the shared kitchen a person who holds a current sanitation certificate issued by the Department of Health. Upon request by any authorized city official, the shared kitchen user shall make such certificate immediately available for inspection by such authorized city official;

4) License - Required on site. A shared kitchen user shall have their city-issued shared kitchen user license or a copy thereof or any badge that may be issued and required by the Department as evidence of such shared kitchen user license on site at all times when the shared kitchen user is utilizing a shared kitchen. Upon request by any authorized city official, the shared kitchen user shall make such license or a copy thereof or any required badge immediately available for inspection by such authorized city official; and

5) Recordkeeping - Required. A shared kitchen user shall keep and maintain on file the following records: (i) a list identifying the date(s) and time(s) such user utilized a

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shared kitchen, and (ii) a copy of the written statement, signed by the owner or operator of the shared kitchen, stating that the applicant for the shared kitchen user license has been authorized by such owner or operator to rent, lease or utilize such shared kitchen, and identifying the start date and, if any, the end date to which such authorization applies. The records required under this subsection (d)(6) shall be maintained by the user for a period of at least two years after the date of entry of such record. Upon request by any authorized city official, the shared kitchen user shall make such records immediately available for inspection by such authorized city official.

e) *License fee - Duration of license.*

1) Shared kitchen long-term user. The fee for a shared kitchen user license to engage in the business of shared kitchen long-term user license shall be as set forth in Section 4-8-041. Provided, however, that such fee shall be waived for a properly licensed mobile food vendor as set forth in Section 4-8-041 (c). A shared kitchen long-term user license shall expire on the date indicated on the face of the license.

2) Shared kitchen short-term user. The fee for a shared kitchen user license to engage in the business of shared kitchen short-term user license shall be as set forth in Section 4-8-041. Provided, however, that such fee shall be waived for a properly licensed mobile food vendor as set forth with Section 4-8-041 (c). A shared kitchen short-term user license shall expire ninety (90) consecutive calendar days from the date of its issuance.

f) Violation - Penalty. In addition to any other penalty provided by law, any person who violates any requirement of this section shall be subject to the fine set forth in Section 4-8-068.

g) License suspension or revocation. Any violation of this section may result in license suspension

or revocation in accordance with the requirements of Section 4-4-280 of this Code.

SECTION 8. Section 4-8-045 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-8-045 Pop-up food establishment host.

(Omitted text is unaffected by this ordinance)

(f) License issuance prohibited when. In addition to the prohibitions set forth in Section 4-8-025, no pop-up food establishment host license shall be issued under this section: (1) if the applicant for such license fails to complete a consultation with the Department of Health, as required under Section 4-8-045(f)(4)(g)(1); or

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 4-60-022 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-60-022 Restrictions on additional licenses.

Subject to the provisions of subsection 4-60-021 (c), no additional license shall be issued for the sale of alcoholic liquor, for consumption on the premises within the following areas:

(Omitted text is unaffected by this ordinance)

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(40.6(b)) On the east side of Lincoln Avenue, from Balmoral Avenue to Bryn Mawr Avenue.

(40.6(bb)) On the west side of Lincoln Avenue, from Catalpa Avenue to Bryn Mawr Avenue.

(Omitted text is unaffected by this ordinance)

SECTION 10. Section 4-60-023 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-60-023 Restrictions on additional package goods licenses.

Subject to the provisions of subsection 4-60-021 (c), no additional package goods license shall be issued for any premises located within the following areas:

(Omitted text is unaffected by this ordinance)

69) On the north side only of Devon Avenue, from Glenwood Avenue to Lakewood Avenue.

(49.69(a)) On the north side of Arthur Avenue, from Glenwood Avenue to Greenview Avenue.

70) On the north side only of Devon Avenue, from Lakewood Avenue to Sheridan

Road.

(49.70(a)) On the south side of Arthur Avenue, from Glenwood Avenue to Greenview Avenue.

(Omitted text is unaffected by this ordinance)

SECTION 11. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-350 Certain transactions - Prohibited.

(Omitted text is unaffected by this ordinance)

(d) The Commissioner of Health, with the approval of the Comptroller, shall amend by rule the minimum retail price of exempted large cigars in an amount proportional to the change, if any, in the ~~Chicago-Gary-Kenosha area Consumer Price Index~~ United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for all Urban Consumers for the Chicago metropolitan area, or some other comparable index selected by the Commissioner of Health in his reasonable discretion if this index no longer exists. If the Commissioner amends the minimum retail price of exempted large cigars, the amended price

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shall not go into effect until 90 days after it is announced via rule duly promulgated by the Department of Health. Any such amendment shall be rounded to the nearest dime.

4-64-810 Price floors for tobacco products.

(Omitted text is unaffected by this ordinance)

(b) The Commissioner of Health, with the approval of the Comptroller, may amend by rule the price floor applicable to a category of tobacco product in an amount proportional to any change, ~~after March 16, 2016,~~ in the ~~Chicago-Gary-Kenosha area consumer price index~~ United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for all Urban Consumers for the Chicago metropolitan area. In the event the Commissioner of Health amends a price floor, the amended price floor shall not go into effect until 90 days after the amended price floor is announced via rule duly promulgated by the Department of Public Health.

(Omitted text is unaffected by this ordinance)

SECTION 12. Section 4-232-130 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-232-130 Public and accessory garage defined.

(Omitted text is unaffected by this ordinance)

"Accessory garage" as used in this chapter, means any building, structure, premises, enclosure or other place, which: (i) meets the definition of an "accessory use", as that term is defined in the Zoning Ordinance, (ii) makes four or more parking spaces available, for any fee or charge, to residents, tenants,

users, employees and/or guests of the principle use located on the same zoning lot where the garage is located and (iii) makes such parking only available to such residents, tenants, users, employees and guests of the principle use located on the same zoning lot where the garage is located, and not to the general public. However, "accessory garage" shall also mean those accessory residential parking facilities which allot a specified percentage of parking spaces to persons other than residents, pursuant to Article 7* of the Zoning Ordinance Section 17-10-0503. "Accessory garage" does not include those accessory parking facilities which are open exclusively to those persons who reside on the same zoning lot where the garage is located. Notwithstanding any other provision of this chapter, such resident-only facilities are not required to be licensed under this chapter.

SECTION 13. Section 4-244-164 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-244-164 Duties - Prohibited Acts - Other requirements.

(Omitted text is unaffected by this ordinance)

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(e) Anyone found guilty of two violations of subsection (d)(t)(1) of this section within one calendar year, and anyone found guilty of one violation of subsection (d)(2) of this section, shall have his or her street performer's permit revoked by the department for a period of one calendar year. Permit revocations shall be conducted in accordance with procedures established by the department. In addition to permit revocation and the fine provided for in Section 4-244-170(b), a person violating subsection (d) of this section may also be required to perform up to 24 hours of community service.

(Omitted text is unaffected by this ordinance)

SECTION 14. Section 4-98-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-298-010 Elevator mechanic contractor defined.

"Elevator mechanic contractor" means any person, firm or corporation engaged in the business of constructing, installing, altering or maintaining the mechanical components of any elevator, escalator, moving walk, dumbwaiter, platform lift, manlift, inclined lift in private residences, mechanical equipment used for the raising or lowering of any curtain, stage or orchestra floor, or any other conveyance device specifically covered and described within Title 44E14C other than a mechanical amusement riding device.

SECTION 15. Section 7-38-115 of the Municipal Code of Chicago is hereby amended by adding the language underscored and deleting the language struck through, as follows:

7-38-115 Operational requirements.

(Omitted text is unaffected by this ordinance)

(k) (1) No operation of a mobile food vehicle is allowed on any private property unless all of the following requirements are met:

i) The mobile food vendor has obtained the express written consent of the owner or lessee of such property and such written consent is kept in the mobile food vehicle at all times when the vehicle is on the property;

ii) The mobile food vendor is in compliance with all applicable requirements of the Chicago Zoning Ordinance; and

iii) The mobile food vendor is in compliance with subsection (b)(i) and, except for the private property that allows the operation of the mobile food vehicle, subsection (f) of this section.

(2) Notwithstanding any other provision in subsection (k)(1), no operation of a mobile food vehicle is allowed on a privately-owned (i) vacant lot, or (ii) lot in by a vacant building. For purposes of this subsection, the term "vacant" has the meaning ascribed to the term in section 13-12-125(e) of this Code.

(Omitted text is unaffected by this ordinance)

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SECTION 16. Section 8-20-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

8-20-010 Definitions.

For purposes of this chapter the following terms shall apply:

"The Act" means the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1 et seq., as amended.

"Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding however:

1) any ammunition used exclusively for line-throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or

2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(Omitted text is unaffected by this ordinance)

"Firearm" means any device, by whatever name known, which is designed or restored to expel a projectile or projectiles by the action of any explosive, expansion of gas or escape of gas. Provided, that such term shall not include:

1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

2) any device used exclusively for line-throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or

3) any device used exclusively for firing explosives, rivets, stud cartridges, or any similar industrial ammunition.

(Omitted text is unaffected by this ordinance)

SECTION 17. Section 8-26-10 of the Municipal Code of Chicago is hereby amended by adding the language underscored and deleting the language struck through, as follows:

8-26-010 Definitions.

For purposes of this chapter, the following definitions apply:

(Omitted text is unaffected by this ordinance)

"Gun offense" means a criminal conviction of any of the following offenses: (1) Illinois Criminal Code: Kidnaping and related offenses
720 ILCS 5/10-2(a)(6)
720 ILCS 5/10-2(a)(7)
720 ILCS 5/10-2(a)(8)
720 ILCS 5/10-3.1(a) (if the deadly weapon was a firearm) 720 ILCS 5/10-4(a)(1) (if the dangerous weapon was a firearm) Assault, battery, home invasion offenses

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720 ILCS 5/12-2(c) (if a firearm was used or discharged) 720 ILCS 5/12-3.05 (e) (if a firearm was used or discharged) 720 ILCS 5/12-4(b) (if a firearm was used or discharged) 720 ILCS 5/42-4419-6(a)(3) 720 ILCS 5/42-4419-6(a)(4) 720 ILCS 5/42-4419-6(a)(5)

(Omitted text is unaffected by this ordinance)

SECTION 18. Section 9-68-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored and deleting the language struck through, as follows:

9-68-020 Residential parking permits.

(Omitted text is unaffected by this ordinance)

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

(Omitted text is unaffected by this ordinance)

(4) Residential parking daily permits - Home healthcare provider. Upon application, individual residential parking daily permits shall also be issued to a home health care provider who is providing home health care services to a resident living within the residential parking permit zone. Such daily permits shall be issued only upon submission of the following documents: (i) a letter from the resident's physician indicating the patient's name, address and prescribed home health care services; (ii) satisfactory proof of the resident's address; and (iii) certification from the applicant that he/she is employed as a licensed home health care provider and is providing such services to the resident. Home health care providers shall be limited to the purchase of 45 residential parking daily permits per month per address where they provide services.

For purposes of this subsection (b)(34)

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

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

(Omitted text is unaffected by this ordinance)

(c) [Reserved.1 (4) Professional service parking permit-Generally. Upon

application to the City Clerk and payment of the required fee, the City Clerk or the City Clerk's designee shall issue a professional service parking permit to any person who: (1) holds a current and active real estate broker license, real estate salesperson license or real estate

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leasing agent license issued by the State of Illinois; and (2) has no debt due and owing to the city, unless such debt has been satisfied or otherwise resolved within the meaning of Section 2-32-094. A professional service parking permit shall: (i) be issued for use only on the vehicle identified in the permit application; and (ii) enable the permittee to park the permitted vehicle within a residential parking permit zone only for business purposes within the scope of the relevant professional license or certification that is the basis for issuance of the permit. The City Clerk may issue a professional service parking permit for a term of up to 24 months. The application for such permit shall be accompanied by evidence, satisfactory to the City Clerk, that the applicant has no unsatisfied or unresolved debt due and owing to the city at the time of application. No more than one professional service parking permit shall be issued to anyone person. A professional service parking permit shall not guarantee or reserve any parking space; nor shall it exempt the permittee from compliance with all applicable traffic and parking regulations.

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

(3) Professional service parking permit-Fee. The annual fee for a professional service parking permit shall be \$500.00 for a vehicle owned by a Chicago resident and \$800.00 for a vehicle owned by a non-resident of the city. Provided, however, that these fees shall be adjusted starting in 2018, and every two years thereafter, by applying the rate of inflation calculated based on the Consumer Price Index-Urban Wage Earners and Clerical Workers (Chicago All Items) published by the Bureau of Labor Statistics, as calculated by the Comptroller, communicated to the City Clerk by the Comptroller, and published by the City Clerk. Provided further, that the amount of any such adjustment shall be capped at 105% of the fee being adjusted.

(4) Professional service parking permit-Transfer. Whenever the holder of a professional service parking permit wishes to transfer the permit to a newly acquired vehicle, or desires to transfer the permit to another vehicle registered in the permit holder's name, such owner shall immediately make application to the City Clerk for a transfer of said professional service parking permit to the qualified newly acquired vehicle, or other qualified vehicle. Upon surrender of the original professional service parking permit or upon proof that the professional service parking permit has been destroyed, and upon compliance with all transfer requirements established by rule, the City Clerk or the City Clerk's designee shall transfer said permit to the qualifying newly acquired vehicle or other qualified vehicle upon payment of the proper fee. The City Clerk, or the City Clerk's designee, shall not transfer any professional service parking permit when the permit is defaced or mutilated so as to prevent identification of the permit. It shall be unlawful for any person to display a professional service parking permit on any vehicle other than the vehicle for which the permit was originally issued, without first transferring the permit to such other vehicle in the manner provided hereby and by rule. The transfer fee shall be \$20.00.

4§) Professional service parking permit-When valid. A professional service parking permit shall only be issued for use on a vehicle classified as a "passenger automobile", a "larger passenger automobile", or a "small truck or other vehicle", as those terms are defined by the City Clerk in duly promulgated rules. Such permit shall be valid from the time of its issuance and display until the last day of the month indicated on the face of the permit, only when: (i) the permitted vehicle is being used for business purposes within the scope of the relevant professional license or certification that is the basis for the issuance of the permit, and (ii) between the hours of 9:00 A.M. and 9:00 P.M. At all other times, the permit shall have no force

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or effect. In addition, the permit shall have no force or effect when parking restrictions are in place within the following locations: (a) the Wrigley Field area pursuant to the permit parking program established by Sections

9-64-041, 9-68-022 and 9-68-023; (b) the Soldier Field/Wintrust Arena area pursuant to the parking program established by Section 9-68-025; and (c) the Comiskey Park area pursuant to the parking program established by Section 9-68-

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

(7-) Professional service parking permit-Rfie-Revocation. Any person displaying a professional service parking permit in a residential parking permit zone, for purposes unrelated to business within the scope of the relevant professional license or certification that is the basis for issuance of such permit, shall be fined in accordance with Section 9-64-090(d) and 9-64-090(e). If any person is found liable of two violations of this subsection, such person's professional service parking permit shall cease to be valid and shall be removed by the permittee from the vehicle to which it is assigned. Any person who fails to remove a professional service parking permit as required by this subsection shall be fined not less than \$200.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(8) Sunset. This subsection (c) shall be repealed of its own accord, and shall have no force and effect, on and after December 31, 2017. Provided, however, that any professional service parking permit issued pursuant to this subsection (c) prior to December 31, 2017 shall be valid until the expiration date printed on the permit.

(Omitted text is unaffected by this ordinance)

SECTION 19. Section 9-68-028 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-68-028 Industrial parking permits.

(Omitted text is unaffected by this ordinance)

(b) Upon application to the Traffic Compliance Administrator, temporary permits shall be issued to businesses for the use of temporary visitors to the industrial permit zone. These permits shall be good for one day only and must be attached to the windshield by means of the adhesive provided on the face of the permit. Before affixing the one-day permit, it must be validated by printing the date of use legibly in permanent ink on its face in the space provided for this purpose. A permit that is updated, altered, defaced or that contains erasures, or is dated other than in permanent ink, will be invalid. No person other than the parking administrator Traffic Compliance Administrator may sell, offer for sale or accept payment or other consideration for a temporary permit.

(Omitted text is unaffected by this ordinance)

SECTION 20. Section 9-80-120 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-80-120 Parking in parking lots.

(a) It shall be unlawful for any person not so entitled to park a vehicle in a public parking lot as defined in Section 4-208-430 4-236-010 of the Municipal Code of Chicago. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense.

(Omitted text is unaffected by this ordinance)

SECTION 21. Section 9-80-130 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-80-130 City-owned parking facilities.

(Omitted text is unaffected by this ordinance)

(f) At the request of the ~~parking administrator~~ Traffic Compliance Administrator, the ~~commissioner~~ Commissioner of ~~transportation~~ Transportation shall cause to be erected signs indicating the hours when parking is prohibited at such facility and the length of time which a vehicle may be parked at such facility and warning that unauthorized or illegally parked vehicles shall be ticketed and towed.

SECTION 22. Section 9-100-020 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

9-100-020 Violation - Penalty.

(Omitted text is unaffected by this ordinance)

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

(Omitted text is unaffected by this ordinance)

| | |
|---------------------------|--------------------|
| 9-68-020(b)(3) | \$30.00 |
| 9-68-020(c)(2) | \$30.00 |
| 9-76-010 | \$25.00 |

(Omitted text is unaffected by this ordinance)

SECTION 23. Section 9-100-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

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9-100-050 Determination of liability.

(Omitted text is unaffected by this ordinance)

b) If the respondent submits documentary evidence to obtain an administrative correspondence hearing in compliance with Section 9-100-070, the ~~traffic compliance administrator~~ Traffic Compliance Administrator shall send the respondent a copy of the administrative law officer's determination in accordance with subsection (f) herein.

c) If the respondent requests an administrative in-person hearing pursuant to Section 9-100-080, the ~~traffic compliance administrator~~ Traffic Compliance Administrator shall notify the respondent in writing of the location and time available for a hearing in accordance with subsection (f) herein.

Where a respondent who has requested an administrative in-person hearing either fails to pay the indicated fine prior to the hearing or appear at a hearing, a determination of liability shall be entered in the amount of the fine indicated on the notice of violation.

d) (1) If no response is made to a parking, standing or compliance violation notice in accordance with subsection (a) of this section, the ~~traffic compliance administrator~~ Traffic Compliance Administrator shall cause a second notice of a parking, standing or compliance violation to be sent to the respondent in accordance with subsection (f) herein; provided however, in those instances where an eligible participant pays the fine indicated under an early payment installment pursuant to Section 9-100-105 prior to a second notice being sent, the ~~traffic administrator~~ Traffic Compliance Administrator shall still send the second notice in compliance with this subsection. The notice shall specify the date and location of the violation, the make and state registration number of the cited vehicle, the code provision violated, the applicable fine, and the time and manner in which the respondent may obtain an administrative adjudication to contest the violation. If the respondent requests an administrative in-person hearing to contest the cited violation, the ~~traffic compliance administrator~~ Traffic Compliance Administrator will cause a notice of hearing to be sent to the respondent as provided in subsection (c) herein.

(Omitted text is unaffected by this ordinance)

(f) Where applicable, the ~~city traffic compliance administrator~~ Traffic Compliance Administrator shall serve the notice of hearing, the second notice of violation, the administrative law officer's determination, the notice of final determination of liability, the notice of impending vehicle immobilization and the notice of impending driver's license suspension by first class mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State of Illinois. If the vehicle is registered in a state other than Illinois, the ~~city traffic compliance administrator~~ Traffic Compliance Administrator shall send the appropriate notice to the address of the registered owner as recorded in such other state's registry of motor vehicles. In the event a mailing sent pursuant to this section is returned as undeliverable, subsequent mailings may be sent to the address of the registered owner of the cited vehicle as recorded with the United States Postal Service.

SECTION 24. Section 9-100-105 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-100-105 Early payment installment plans.

(Omitted text is unaffected by this ordinance) 16

(b) The ~~traffic compliance administrator~~ Traffic Compliance Administrator may establish a program in compliance with this chapter for early payment installment plans for the payment of eligible violation fines by eligible participants.

(Omitted text is unaffected by this ordinance)

e) In the event an eligible participant defaults on an early payment installment plan, including any underpayment of the monthly amount due, the ~~traffic compliance~~ Traffic Compliance Administrator shall, no earlier than 25 days after the default, issue a determination of liability or a notice of final determination, whichever is applicable, in accordance with this chapter.

f) The ~~traffic compliance administrator~~ Traffic Compliance Administrator may promulgate rules to administer this section.

SECTION 25. Section 9-100-150 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-100-150 Owner of vehicle not liable for violations when in custody of valet.

(a) No owner of a vehicle shall be liable for any parking, standing, compliance, automated traffic law enforcement system, or automated speed enforcement system violation involving such vehicle during the period that such vehicle was in the custody of a valet parking service, if upon receipt of a notice of violation sent within 120 days of the violation he shall, within 60 days thereafter, provide to the traffic compliance administrator the valet parking receipt required by Section 4-232-080(d) of this Code or a clearly legible copy thereof.

SECTION 26. Section 9-114-320 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-114-320 Charter/sightseeing vehicles - Requirements and restrictions.

(a) General. Charter/sightseeing vehicles shall not be used for transportation of passengers except on sightseeing tours or charter trips.

No person shall solicit passengers for sightseeing tours upon any public way except at stands specially designated by the ~~city council~~ City Council for sightseeing vehicles.

Each charter/sightseeing vehicle that is not subject to requirements to display identification or information pursuant to rules imposed by the U.S. Department of Transportation ~~Interstate Commerce Commission~~, Illinois Commerce Commission, or Federal or state law shall display the City of Chicago public vehicle (for purposes of this section, "COCPV") license number, preceded by the initials "COCPV", and the name of and a contact telephone number for the owner. For purposes of this section, a license plate is not "identification information". The markings required by this section must:

- 1) Be painted or otherwise permanently affixed to, and appear on both sides of the vehicle;
- 2) Be in letters that contrast sharply in color with the background on which the letters are placed;
- 3) Be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary; and
- 4) Be kept and maintained in a manner that retains the legibility required by the preceding paragraph (3).

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The driver of a charter/sightseeing vehicle shall keep an itinerary identifying the point of origin and each stop for the current trip, in such form and format as the Commissioner specifies, and shall present that itinerary to Authorized City Personnel, as that term is defined in Section 9-114-315, upon request.

The owner of each charter/sightseeing vehicle subject to City City licensure under this chapter shall include their city City license account (I.R.I.S.) number on all advertising and promotional materials for the charter/ sightseeing service, on any web page promoting or describing the charter/sightseeing service, and on any trip contract used for the trip.

(Omitted text is unaffected by this ordinance)

SECTION 27. Section 10-21-310 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-21-310 Review hearings.

(Omitted text is unaffected by this ordinance)

(i) The Administrative Law Officer shall give deference to the Evaluation Panel's findings of fact and the Commissioner's decision. The Administrative Law Officer shall take de novo consideration as to the weight of the testimony and credibility of the witnesses. The party who seeks review of the Commissioner's decision has the burden to establish that the decision was clear error, meaning that the ~~panel~~ Administrative Law Officer must be firmly convinced that a mistake was made in the Commissioner's decision.

(Omitted text is unaffected by this ordinance)

SECTION 28. Section 10-29-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-29-040 Permit fee.

a) For a permit for the installation or maintenance of wire, cable, pipe or conduit on, under or over the surface of the public way, the applicable fee shall provide for recovery of the City's ~~Git/s~~ actual costs or reasonably foreseeable estimate of the City's ~~city's~~ costs for maintaining and regulating the public way in a manner consistent with the public welfare and suitable for the use of the applicant. Such costs shall include, but not be limited to, the City's ~~city's~~ cost of inspection, regulation, maintenance, administration and repair. The Commissioner ~~commissioner~~ shall have the authority to determine the applicable permit fee.

b) Notwithstanding subsection (a) of this section, a permit may be issued for the installation or maintenance of wire, cable, pipe or conduit on, under, or over the surface of the public way or public property without payment of the appropriate fee provided for in subsection (a) if: (1) the applicant voluntarily enters into an agreement with the City providing for such use; or (2) the Commissioner ~~commissioner~~ requires the applicant to enter into an agreement with the City providing for such use because the Commissioner ~~commissioner~~ determines that the proposed use is likely to preclude other persons from using the space, would physically or visually interfere with or obstruct the public way or public property, or because the space is on, over or under public property, over which the City may exercise proprietary powers. The terms of such agreements shall include appropriate compensation to the City and such surety, insurance and indemnification provisions as the City may require. All agreements

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shall be subject to the approval of the City Council ~~city council~~ and subject to the approval of the Corporation Counsel ~~corporation counsel~~ as to form and legality; provided that, except as set forth below, no approval by the City Council ~~city council~~ shall be required for the permitting of wires on or inside of available City light poles (including, subject to the conditions set forth in Section 10-29-060, traffic signal poles) pursuant to regulations issued under Section 10-29-060 for periods not exceeding 20 years (including renewals, which shall contain such conditions as the Commissioner ~~commissioner~~ shall apply on a competitively neutral basis) and providing for use fees or permit fees in 2005 and 2006 of not less than (i) \$1,500.00 per year for each permitted use of each City light pole which is not a traffic signal pole and (ii) \$3,000.00 per year for use of each traffic signal pole, in each case of (i) and (ii) adjusted upward in each year commencing on January 1, 2007 for the greater of (x) the CPI Adjustment (as defined below) over a one-year period from a base year of 2006 or (y) a five percent per year increase from the preceding year; provided further that the Commissioner ~~commissioner~~ may by regulation adjust use fees or permit fees to account for market conditions, but in no event (except as set forth below) shall use fees or permit fees ever be less than the specified amount per year for each category of pole, as applicable, used on an annualized basis. Beginning on the tenth anniversary of the effective date of this ordinance, such fee may be adjusted to add a revenue component or make other reasonable adjustments which are not in excess of prevailing municipal rates; provided that notice of such proposed adjustments is sent to all affected permittees at least one year prior to the implementation date of such adjustments. Such use fees or permit fees shall be applied on a pro rata basis for partial years, may be adjusted to account for multiple attachments to a single City light pole, or size of equipment, or the amount of use of the city light pole and may be established on a calendar year or other 12-month basis as the Commissioner ~~commissioner~~ shall determine in regulations. Such regulations may provide for in-kind compensation for a municipal use. The

Commissioner ~~commissioner~~ may by regulation make adjustments to use fees, establish discounts for advance payments and determine the appropriate application of the proceeds of such payments, and set limits on length or extent of use or set forth other conditions to the extent deemed necessary, with the advice of the Corporation Counsel ~~corporation counsel~~, to comply with financing or other regulatory restrictions or to reasonably account for the value of in-kind compensation.

For purposes of this Section 10-29-040, "CPI Adjustment" means the percentage increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for the Chicago-Naperville-Joliet Metropolitan Statistical Area United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for all Urban Consumers for the Chicago metropolitan area. Notwithstanding the foregoing, implementation of and pricing for any wi-fi or wi-max system using city light poles or any other City property shall require City Council ~~city council~~ approval.

SECTION 29. Section 10-30-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language struck through as follows:

10-30-040 Permit fees; security; compensation for use of other property.

(a) Notwithstanding any provision of this Code to the contrary, a telecommunications provider that is properly paying the applicable ~~infrastructure maintenance~~ fee Chicago Simplified Telecommunications Tax pursuant to chapter 3-76 3-73 shall be exempt from any permit fee or other compensation otherwise payable to the city under this Code for use of the public way, including fees otherwise payable under chapter 10-20, for any period of time for which the ~~infrastructure maintenance~~ fee Chicago Simplified Telecommunications Tax is paid.

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(Omitted text is unaffected by this ordinance)

SECTION 30. Section 10-36-185 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-36-185 Enforcement of Chicago Park District Ordinances.

(a) The members of the Chicago Police Department shall have authority to enforce the following provisions of the Chicago Park District Code, in effect as of September 9, 1998, or as subsequently amended: Chapter VII (Use of Parks) - Sections A, B(1) - (17), C(3), and D(1); Chapter V-H VIM (Use of Harbors) - Sections A, C(1) and D; and Chapter IX (Concessions and Food Services) - Sections A, B(1), B(6), C(1)(a), C(2)(a), C(2)(e), C(3)(a) and C(3)(e).

(Omitted text is unaffected by this ordinance)

(c) In addition to any other means authorized by law, the City may enforce this section by instituting an action with the ~~department~~ Department of Administrative Hearings Administrative Hearings.

SECTION 31. Section 11-4-2657 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

11-4-2657 Prohibited activities.

No recycling facility permittee shall:

(Omitted text is unaffected by this ordinance)

(i) purchase, or otherwise acquire for consideration of any type, any catalytic converter that is not attached to a motor vehicle unless the detached catalytic converter is accompanied by the motor vehicle from which it was removed, or any portion of a dismantled catalytic converter that is reasonably identifiable as such, unless the person selling, disposing of or otherwise transferring such catalytic converter or portion thereof to the permittee: (1) is a properly licensed motor vehicle repair shop under Chapter 4-228 of this Code and provides the permittee with a copy of the invoice required under Section 4-228-217(b), or (2) is another properly permitted Class IVA or Class IVB recycling facility under Chapter 11-4 of this Code, and in addition (3) is a regular customer of the permittee with an established customer account within the meaning of Section 11-4-2625(a) containing proof of the required licensure and meeting the criteria for an established customer account as set forth in the department's rules and regulations governing such accounts. Provided, however, that if a motor vehicle repair shop is located outside of the corporate limits of the city and is not required to be licensed under Chapter 4-288 4-228 of this Code, such motor vehicle repair shop shall: (i) provide the permittee with all of the information set forth in Section 4-228-217(b) pertaining to the catalytic converter or portion thereof that is being sold, disposed of or transferred to the permittee, and (ii) have an established customer account with the permittee meeting the criteria for an established customer account as set forth in the department's rules and regulations governing such accounts.

In addition to any other penalty provided by law, any person who violates this subsection (i) shall be fined not less than \$1,000.00 nor more than \$2,000.00 for the first violation; not less than \$2,000.00 nor more than \$3,500.00 for the second violation for the same offense within

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one year of the first offense; and not less than \$3,500.00 nor more than \$5,000.00 for the third and each subsequent violation for the same offense within one year of the previous offense.

SECTION 32. Section 13-120-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through as follows:

13-120-130 Workmanship test.

a) Whenever there is reasonable doubt as to the stability or structural safety of a completed building or structure, or part thereof, for the intended use, the Building Commissioner ~~building commissioner or the executive director~~ may require a load test of the building unit or portion of the structure.

b) Unless otherwise provided for in this Code, the structure under consideration shall be subjected to a superimposed load equal to two times the design live load which shall be left in position for a period of 24 hours. If during the test, or upon removal of the test load, the structure shows evidences of failure, the Building Commissioner ~~building commissioner~~ shall order such reinforcement or modifications deemed necessary to insure adequacy of the structure for the rated capacity; or in lieu thereof, the Building Commissioner ~~building commissioner~~ may determine the safe load capacity to which the structure shall be limited.

(Omitted text is unaffected by this ordinance)

SECTION 33. 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 Tents and canopies - Permit application requirements.

(Omitted text is unaffected by this ordinance)

(d) Tents and canopies shall be located not less than 20 12 feet from any other building or structure excepting, however, where a covered passageway is desired, a tent or canopy may be connected to a permanent building by means of a canopy.

(Omitted text is unaffected by this ordinance)

SECTION 34. Section 15-4-060 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

15-4-060 Transportation exemption.

Nothing contained in this chapter, Article II of Chapter 15-16, Chapters 15-20, 15-24, 15-26 and 15-28 shall be construed as applying to the transportation of any article or thing shipped in conformity with regulations prescribed by the Department of Transportation and/or Interstate Commerce Commission, nor as applying to the military or naval forces of the United States.

SECTION 35. Section 15-4-290 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

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15-4-290 Flammable liquid tank truck drivers.

Every driver of a motor tank vehicle conveying Class I flammable liquids, as defined in Section 15-24-020 of this Code, including those drivers of vehicles with loads originating outside the city limits for deliveries in the city City, but not drivers of carriers holding certificates of public convenience and necessity, or permits as a contract carrier, issued by the Interstate Commerce Commission and/or Department of Transportation under federal Motor Carrier Act of 1935 as amended, shall be required to receive a certificate of fitness from the fire commissioner Fire Commissioner. The annual fee for such certificate of fitness shall be: originals - \$5.00; renewals - \$2.00, to be paid to the comptroller Comptroller.

In addition to the requirements outlined in Section 15-4-260 the applicant shall pass an examination conducted by the issuing officer upon the law and ordinance regulations governing the transportation, storage[^] and use of the flammable liquid to which his employment and services relates.

SECTION 36. This ordinance shall take effect upon its passage and approval.

