



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2019-5756

**Type:** Ordinance      **Status:** Failed to Pass

**File created:** 7/24/2019      **In control:** City Council

**Final action:** 5/24/2023

**Title:** Amendment of Municipal Code Section 9-80-095 regarding filing of complaints for violation of excessive standing of diesel powered vehicles with engine running

**Sponsors:** Reilly, Brendan, Smith, Michele, Hopkins, Brian

**Indexes:** Ch. 80 Miscellaneous Rules

**Attachments:** 1. O2019-5756.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
7/24/2019	1	City Council	Referred	

### ORDINANCE

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

SECTION 1. Section 9-80-095 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **9-80-095 Excessive standing of diesel powered vehicles with the engine running.**

(a) Unlawful act, ft Except as otherwise provided in subsection (b) of this section, it shall be unlawful for any person who owns or operates any motor vehicle which is powered by diesel fuel to stand such vehicle with the engine running for more than a total of three minutes within any ~~sixty-minute~~ sixty-minute period.

(b) Exceptions: The prohibition efsct forth in subsection (a) of this section shall not / apply to:

(1) authorized: (T) emergency vehicles while in the course of providing services for which the vehicle is designed: or (ii") a«d vehicles that are operating equipment or devices used to prevent a safety or health emergency;

*(Omitted text is unaffected by this ordinance)*

(c) Penalty. The operator or the registered owner of record of any vehicle standing in violation of this section shall be ~~fin~~ed as subject to the fine set forth in Section 9-100-020 of this Code.

(d) Enforcement.

(1) Enforcing departments. Any police officer, traffic control aide, or other designated member

of the ~~police department~~ Police Department, or any parking enforcement aide or other person designated by the ~~city traffic compliance administrator~~ City's Traffic Compliance Administrator, the ~~commissioner e-f health~~ Commissioner of Health, or the ~~commissioner of transportation~~ Commissioner of Transportation shall have authority to enforce the provisions of this section.

(2) Citizen complaints. Natural persons may file a citizen's complaint with the Department of Health ("CDPH"), on a complaint form provided by CDPH, alleging a violation of this section for investigation and appropriate legal action by CDPH. On or before December 15, 2019, CDPH shall publish on its website information related to best practices for filing

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citizen complaints pursuant to this subsection (d)(2), including but not limited to guidance on procedures for filing such complaints and for gathering supporting documentation. All citizen complaints submitted pursuant to this subsection shall include: (i) the complainant's name, address, telephone number, and e-mail address; (ii) a statement describing what the complainant observed; (iii) the state and license plate number of the vehicle being complained about ("offending vehicle"); (iv) the company name and address displayed on the offending vehicle, if any; (v) the date and time the observation was made ("observation period"); (vi) photographs showing the offending vehicle's license plate at the start and finish of the observation period; (vii) either: (A) a video of the duration of the observation, or (D) a time and date stamped short video, capturing engine sound and the offending vehicle's license plate at the beginning of the observation period and at the end of the observation period; (viii) additional supporting documentation, if any; and (ix) any other information that the CDPH Commissioner may reasonably require. Each completed complaint shall be: (a) accompanied by a notarized affidavit, on a form provided by CDPH; and (b) signed and dated by the complainant and a notary public. The completed complaint, affidavit and supporting documentation may be submitted to CDPH by mail or by e-mail in accordance with instructions provided on the complaint form. CDPH may request complainants under this section to be available in person or by telephone to testify at any hearing or legal proceeding that may ensue in response to a complaint having been filed under this section.

(3) Annual report - Required Each year, no later than February 15<sup>th</sup>, CDPH shall file with the Chairman of the Committee on Health and Environmental Protection or with its successor committee an annual report identifying: (1) the number of citizen complaints filed with CDPH pursuant to subsection (d)(2) of this section during the previous calendar year, grouped by Ward and including any other information related to such complaints that CDPH deems relevant; and (2) the disposition of such complaints, including the total amount of penalties imposed for violations of subsection (a) of this section.

SECTION 2. This ordinance shall take full force and effect upon its passage and publication.

