



Office of the City Clerk

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

Legislation Text

File #: O2016-8628, **Version:** 1

OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

December 14, 2016

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

Ladies and Gentlemen:

At the request of the Commissioner of Buildings, I transmit herewith an ordinance amending various provisions of the Municipal Code clarifying and consolidating license enforcement and related matters.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

ORDINANCE

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

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 - Powers and duties.

The duties of the commissioner of buildings shall be:

(Omitted text is unaffected by this ordinance)

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 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,

(Omitted text is unaffected by this ordinance)

3. to examine, regulate^A and 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 of stationary engineer and motion picture operator, and also register electrical contractors and generator operators, all as defined in the Code. The 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 Chapter 4-344 of this Code, or pursuant to the child support compliance provisions of Section 4-4-152 of this Code, or upon

determination by btm the commissioner that the licensee or registrant shall have violated any other of the provisions provision of this Code or any of the statutes of the state related to the regulated or registered occupation. However, no license or registration shall be revoked or suspended except after notice and hearing according to rules established by the commissioner consistent with the requirements of due process of law. Th

e commissioner or a hearing officer designated by him shall conduct such hearing as provided by rule. The hearing officer shall receive relevant evidence and may make recommendations to the commissioner who shall render his decision based upon the whole record. The commissioner or a hearing officer designated by him shall have the right to require the production of the books and records of any licensee or registrant upon whom notice of a hearing relating to suspension or revocation has been served; 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;

(h) suspending the ability of any applicant, licensee, registrant, certificate holder or other person to submit new applications or complete pending applications for a building permit or other permit issued by the department for cause as set forth in Section 13-8-130 or Section 13-32-045 of this Code:

(hi) keeping a full and correct detailed record of the official proceedings of the commissioner; preserving all documents, books and papers relating to examinations for licenses and hearings of complaints or charges; keeping a record of the names, ages, places of business and residences of all applicants for licenses and the disposition made of the applications, the number issued and rejected; keeping an up-to-date record specifying names and addresses of license holders of this city, including the dates of issuance of all such licenses; keeping a record specifying names, addresses, and dates of licenses suspended or revoked, the cause therefor, and licenses renewed;

(ij) reviewing the permit fees set forth in Chapter 13-32 at least once every three years, as measured from January 1, 2009.

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 2-116 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and by adding a new Article VIII, as follows:

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2-116-080 Powers and duties.

The board of plumbing examiners shall have the following powers and duties in the licensing and regulation of plumbers and apprentice plumbers under the provisions of this Code:

(Omitted text is unaffected by this ordinance)

d) ~~Establishing rules to conduct hearings for suspension, revocation and reinstatement of licenses consistent with the requirements of and due process of law~~ [Reserved];

e) Holding hearings for to contest the suspension or revocation of licenses pursuant to Section 2-116-280 of this Code or for reinstatement of licenses pursuant to Chapter 4-332 Section 2-116-290 of this Code:

(Omitted text is unaffected by this ordinance)

2-116-140 Power and duties.

The board of examiners of mason contractors shall have the following powers and duties in the licensing and regulation of mason contractors under the provisions of this Code:

(Omitted text is unaffected by this ordinance)

d) Making rules to govern examinations and hearings for suspension, revocation, and reinstatement of licenses [Reserved];

e) Holding hearings for to contest the suspension or revocation of licenses pursuant to Section 2-116-280 of this Code or for reinstatement of licenses pursuant to Section 2-116-290 of this Code;

(Omitted text is unaffected by this ordinance)

2-116-200 Powers and duties.

The board of examiners of stationary engineers shall have the following powers and duties in the licensing and regulation of stationary engineers under the provisions of this Code:

(Omitted text is unaffected by this ordinance)

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f) ~~Establishing rules to conduct hearings for suspension, revocation and reinstatement of licenses consistent with requirements of due process of law~~ [Reserved];

g) Holding hearings for to contest the suspension or revocation of licenses pursuant to Section 2-116

-280 of this Code or for reinstatement of licenses pursuant to Chapter 4 344 Section 2-116-290 of this Code;

(Omitted text is unaffected by this ordinance)

2-116-260 Powers and duties.

The board of crane operators examiners shall have the following powers and duties in the licensing and regulation of crane operators and apprentice crane operators under the provisions of this Code:

(Omitted text is unaffected by this ordinance)

f) Establishing rules to conduct hearings for suspension, revocation and reinstatement of licenses consistent with requirements of due process of law [Reserved];

g) Holding hearings to contest for- the suspension or revocation of licenses pursuant to Section 2-116-280 of this Code or for reinstatement of licenses pursuant to Chapter 4-288 Section 2-116-290 of this Code:

(Omitted text is unaffected by this ordinance)

ARTICLE VIII. PETITIONS AND HEARINGS BEFORE BOARDS OF EXAMINERS (2-116-280

et seq.) i

2-116-280 Contesting the suspension and revocation of a license. ¹

The following procedure shall apply to petitions and hearings before the Board of Plumbing Examiners, Board of Examiners of Mason Contractors, Board of Examiners of Stationary Engineers and Board of Crane Operators Examiners (hereafter each such Board is referred to as the "Board") contesting the suspension or revocation of a license governed by the respective Board:

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a) The person whose license has been suspended or revoked by the Commissioner of Buildings pursuant to Section 13-8-140 may file a written petition requesting a hearing to contest the suspension or revocation with the Board that governs the license. The written petition must be filed with the Board that

governs the license within forty-five (45) days from the date of the suspension or revocation. The written petition shall recite the basis for contesting the suspension or revocation. Only one such petition may be filed or considered per suspension or revocation.

b) Upon receipt of a properly and timely filed written petition, the governing Board shall within thirty (30) days of receipt cause a notice of hearing to be sent to the petitioner or the petitioner's counsel and to the Corporation Counsel. The Board may designate a hearing officer to conduct the hearing in its order. The hearing date shall be set no later than forty-five (45) days of the notice of hearing unless a later date is requested by the licensee in writing. The notice of hearing shall include the date, time and location of the hearing before the Board; a statement that the licensee is entitled to appear at the hearing to testify, present witnesses, and present any other evidence regarding the petition; a statement that the licensee may be represented by counsel at the licensee's sole expense; and a statement that if the licensee fails to appear at the hearing, the licensee is deemed to have conceded the petition.

c) The proceedings shall be recorded by means of an audio recording or by a court reporter, as determined by the Board. In addition to the means of recording determined by the Board, the petitioner may also provide for an audio recording or court reporter at the petitioner's cost. All testimony shall be given under oath or affirmation. The Board shall have the power and discretion to issue subpoenas for the production of documents or testimony. The formal and technical rules of evidence shall not apply in the conduct of the hearing, and evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

d) Upon the closing of the record, the Board shall take the matter under consideration and render a written decision and order within sixty (60) days of the closing of the record. An affirmative vote of the majority of a quorum of the Board shall be required for an order to reverse the decision to suspend or revoke a license. The Board shall cause a copy of the written decision and order to be served upon the licensee or the licensee's counsel and the Corporation Counsel. No rehearing shall be allowed upon the decision and order. The decision and order of

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the Board shall constitute a final decision for purpose of judicial review by a court of competent jurisdiction.

(e) If the Board grants the petition to reverse the decision to suspend or revoke a

license based upon a finding of post-suspension or post-revocation compliance with the underlying basis for the suspension or revocation, no such license shall be reactivated until such time the licensee has paid all related re-inspection or re-review fees and all of the penalties and fees that resulted from the actions that gave rise to the underlying basis for the suspension or revocation. Provided, however, if the basis for the license revocation is a conviction or finding of liability by a court or administrative tribunal of competent jurisdiction for an act or underlying act: (i) related to bribery or attempted bribery of a government official or government vendor; or (ii) related to fraud or theft or attempted fraud or theft involving a government project, government program, government procurement or government contract, reactivation for post-suspension or post-revocation compliance shall not be allowed unless the conviction or finding of liability is reversed or vacated.

(f) For purposes of this section, the term "license" shall include a license, registration or certification, and the term "licensee" shall include a licensee, registrant or certificate holder.

2-116-290 Reinstatement of a license.

The following procedures shall apply to petitions and hearings before the Board of Plumbing Examiners, Board of Examiners of Mason Contractors, Board of Examiners of Stationary Engineers and Board of Crane Operators Examiners (hereafter each such Board is referred to as the "Board") regarding the reinstatement of a revoked license:

(a)' The former licensee may file a written petition requesting a hearing for reinstatement with the Board that governs the license. The written petition shall recite the basis for the revocation and the passage of time since the revocation and shall set forth the efforts undertaken by the former licensee regarding the rehabilitation of his or her character that would warrant allowing the privilege of holding a license of professional and public trust and confidence. Provided, however, if the basis for the revocation is a conviction or finding of liability by a court or administrative tribunal of competent jurisdiction for an act or underlying act: (i) related to bribery or attempted bribery of a government official or government vendor; or (ii) related to fraud

or theft or attempted fraud or theft involving a government project, government program, government procurement or government contract, then no reinstatement shall be

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allowed unless the conviction or finding of liability is reversed or vacated. No petition shall be considered and no reinstatement shall be allowed less than one year or more than five years after the revocation of the license. Only one such petition for reinstatement may be filed or considered per revocation.

b) The Board shall review the written petition within forty-five (45) days from receipt of the petition and issue an order either granting or denying the request for a hearing. The Board may designate a hearing officer to conduct the hearing in its order. The Board shall cause a copy of the written order to be sent to the petitioner or the petitioner's counsel and to the Corporation Counsel.

c) If the Board grants a hearing, the Board shall cause a notice of hearing to be sent to the petitioner or the petitioner's counsel and to the Corporation Counsel within thirty (30) days of the Board's decision to grant a hearing. The hearing date shall be set no later than forty-five (45) days of the notice of hearing unless a later date is requested by the licensee in writing. The notice of hearing shall include the date, time and location of the hearing before the Board; a statement that the petitioner is entitled to appear at the hearing to testify, present witnesses, and present any other evidence regarding the petition to reinstate; a statement that the petitioner may be represented by counsel at the petitioner's sole expense; and a statement that if the petitioner fails to appear at the hearing, the petitioner is deemed to have withdrawn the petition.

(d) The burden of proof, by a preponderance of the evidence, regarding the rehabilitation of the petitioner that would warrant allowing the privilege of holding a professional license, public trust and confidence shall be on the petitioner. The proceedings shall be recorded by means of an audio recording or by a court reporter, as determined by the Board. In addition to the means of recording determined by the Board, the petitioner may also provide for an audio recording or court reporter at the petitioner's cost. All testimony shall be given under oath or affirmation. The Board shall have the power and discretion to issue subpoenas for the production of documents or testimony. The formal and technical rules of evidence shall not

apply in the conduct of the hearing, and evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(e) Upon the closing of the record, the Board shall take the matter under consideration and render a written decision and order within sixty (60) days of the closing of the record. An

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affirmative vote of the majority of a quorum of the Board shall be required for an order to reinstate the license. The Board shall cause a copy of the written decision and order to be served upon the petitioner or the petitioner's counsel and the Corporation Counsel. No rehearing shall be allowed upon the decision and order. The decision and order of the Board shall constitute a final decision for purpose of judicial review by a court of competent jurisdiction.

f) If the Board grants the petition for reinstatement, no such license shall be reinstated until the petitioner has paid all license fees for the period during which the license was revoked as well as any and all monetary penalties and civil restitution ordered by a court or administrative tribunal of competent jurisdiction that resulted from the actions that gave rise to the underlying basis for the revocation.

g) For purposes of this section, the term "license" shall include a license, registration or certification, and the term "licensee" shall include a licensee, registrant or certificate holder.

SECTION 3. Section 2-120-060 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-120-060 Powers and duties.

It shall be the duty of the said commission to formulate and recommend safe and practical standards and specifications for the installation, alteration and use of electrical equipment designed to meet the necessities and conditions that prevail in the City of Chicago, to recommend reasonable rules and regulations governing the issuance of permits by the electrical inspection section of the bureau of field inspections and to recommend reasonable fees to be paid for inspections made by the electrical inspection section of the bureau of field inspections. The standards and specifications, rules and regulations governing the issuance of such permits and fees so recommended, shall become effective upon the passage of an ordinance adopting the

same by the city council. All such fees shall be paid to the city comptroller. The commission may also hold hearings contesting the suspension, revocation or reinstatement of a license, certificate or registration issued pursuant to Chapter 13-12 of this Code in the same manner as the procedure utilized by boards of examiners under Section 2-116-280 of this Code for license suspension or revocation and under Section 2-116-290 of this Code for license reinstatement.

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SECTION 4. Chapter 4-4 of the Municipal Code of Chicago is hereby amended by adding new sections 4-4-270 and 4-4-322, as follows:

4-4-270 Building permit privileges - Suspension.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this Chapter, including, but not limited to, contractors providing heat, ventilation, air conditioning or refrigeration services, to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

4-4-322 License or registration - Suspension or revocation by building commissioner.

•The commissioner of buildings may- suspend, or revoke, the license, registration or certification of any person licensed, registered or certified under this Chapter who is engaged in the business of providing construction services relating to heat, ventilation, air conditioning or refrigeration systems in accordance with Section 13-8-140 of this Code.

SECTION 5. Section 4-6-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-6-050 Residential real estate developer.

(Omitted text is unaffected by this ordinance)

(l) The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this section to submit new applications or

complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

(i) The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this section as provided in Section 13-8-140 of this Code.

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

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4-6-250 Expediter company.

(Omitted text is unaffected by this ordinance)

(i) The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this section to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 or Section 13-32-045 of this Code.

(i) The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this section as provided in Section 13-8-140 of this Code.

■ SECTION 7.:Section 4-6-260 of the Municipal Code of Chicago is hereby amended by -. • inserting the language underscored, as follows:

4-6-260 Expediter/natural person.

(Omitted text is unaffected by this ordinance)

(i) The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this section to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 or Section 13-32-045 of this Code.

(j) The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this section as provided in Section 13-8-140 of this Code.

SECTION 8. Section 4-36-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-36-130 Permit privileges - Suspension ~~for failure to correct defects in work.~~

If the commissioner of buildings determines that a licensee or any person requiring a license under this chapter has failed to correct any substantial defect, error or deficiency, or has

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~~established a pattern of deviating from the drawings or plans approved by the appropriate department issuing the permit, in any work done under the authority of a permit issued pursuant to this Code, the commissioner~~

For purposes of this section:

• "Substantial defect, error or deficiency" means ~~any construction, alteration, installation, repair or razing of any building, structure, premises or part thereof which (i) is being done or has been done without any permit required by this Code; or (ii) creates a danger to the health or safety of workers on the site, to current or eventual users or occupants of the building, structure, premises or part thereof, or to the general public.~~

"Pattern" means ~~five or more uncorrected deviations from any permit at one or more construction sites within any six-month period.~~

The commissioner of buildings may suspend the ability of any person licensed or required to be licensed under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

SECTION 9. Section 4-36-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-36-150 License - Suspension or revocation.

Any violation of this chapter or of the building code or of any regulation promulgated thereunder may result in license suspension or revocation in accordance with ~~the requirements~~ Section 4-4-280 or Section 13-8-140 of this Code.

SECTION 10. Chapter 4-196 of the Municipal Code of Chicago is hereby amended by adding new sections 4-196-070 and 4-196-080, by deleting the language stricken through and by inserting the language underscored, as follows:

4-196-070 Building permit privileges - Suspension.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

4-196-080 License - Suspension or revocation.

The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, = registered or-certified under this Chapter based upon the provisions of Section 13-8-140 of this Code.

4-106-070 4-196-090 Violation - Penalty.

Any person violating any of the provisions of this chapter, shall be fined not less than \$200.00 nor more than \$500.00 for each offense. Every day such violation continues shall constitute a separate and distinct offense.

SECTION 11. Chapter 4-266 the Municipal Code of Chicago is hereby amended by adding a new Section 4-266-055, as follows:

4-266-055 Building permit privileges - Suspension.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

SECTION 12. Chapter 4-288 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-288-065, by deleting the language stricken through and by inserting the language underscored, as

follows:

4-288-065 Building permit privileges - Suspension.

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The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

4-288-130 License - Revocation or suspension ~~or nonrenewal.~~

The commissioner may revoke, suspend or refuse to renew the license of any crane operator or the permit of any apprentice who is found to be grossly negligent or incompetent in the operation of a crane or whose actions show continuous carelessness or wilful disregard for the health and safety of the public or others while operating or assisting in the operation of a crane or who misrepresents a material fact in applying for a license or apprentice permit under this chapter. No such license or apprentice permit shall be revoked or suspended or not renewed except after a public hearing by the board of crane operators examiners upon written notice to the licensee or apprentice, as applicable, and after affording the licensee or apprentice an opportunity to appear and defend. Provided, however, that if the commissioner has good cause to believe that continued operation of a crane by a particular licensee or apprentice will immediately threaten public safety, the commissioner may, upon issuance of a written order stating the reason for such conclusion and without notice or hearing, prohibit the licensee or apprentice from operating or assisting in the operation of a crane for a period of time not to exceed ten calendar days; provided, however, that the licensee or apprentice shall be afforded an opportunity to be heard during such period. The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this Chapter as provided in Section 13-8-140 of this Code.

SECTION 13. Chapter 4-298 the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and by adding a new Section 4-298-145, as follows:

4-298-120 Suspension or revocation ~~or non-renewal.~~

A. The building commissioner or his or her designee may bring an action in the department of admini

~~strative hearings to suspend, revoke or refuse to renew the license of any supervising elevator mechanic who~~

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~~(1) the licensee obtained or conspired with others to obtain a license by inducing the issuance thereof in consideration of the payment of money or delivery of any other thing of value or by and through a wilful misrepresentation of facts to the department of buildings;~~

~~(2) the licensee wilfully violated any ordinance of the City of Chicago or law of this state pertaining to elevators and related devices;~~

~~(3) the licensee has been guilty of negligence or incompetence in the performance of his duties as a supervising elevator mechanic;~~

~~(4) the licensee has been convicted of a felony;~~

~~-(5) the licensee has wilfully loaned or in any manner transferred his license to another person to permit such person to engage illegally in elevator mechanic work contrary to this ordinance.~~

~~No such license shall be revoked or suspended except after a public hearing by a hearing officer of the department of administrative hearings upon written notice to the licensee and affording the licensee an opportunity to appear and defend. If the building commissioner has reason to believe that continuing to engage in the capacity of supervising elevator mechanic by a particular licensee will immediately threaten public safety, he or she may, upon issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensee barred from functioning in the capacity of supervising elevator mechanic for not more than ten days, affording the licensee an opportunity to be heard during such period. The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this Chapter as provided in Section 13-8-140 of this Code.~~

4-298-145 Building permit privileges - Suspension.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as

set forth in Section 13-8-130 of this Code.

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SECTION 14. Chapter 4-332 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and by adding a new Section 4-332-175, as follows:

4-332-050 License - Issuance conditions.

The board commissioner of buildings shall issue plumber's license certificates to those applicants who pass the examination upon payment to the board of the required license fee. Such license certificates shall be issued in the name of the board with the seal thereof attached.

4-332-100 License - Suspension or revocation - Hearing procedure.

~~(4) No license shall be suspended or revoked until an impartial hearing before the board:~~

- ~~1) No hearing for the suspension or revocation of any license shall be held until a written complaint is filed with the board stating facts which if proved would constitute grounds for suspension or revocation of a license as provided in this chapter.~~
- ~~2) When a written complaint is filed, the board shall set a date for a hearing thereon which shall be held~~
- ~~3) At the time and place specified in the notice the board shall conduct a hearing on the complaint. A complaining party by himself or through counsel may aid in the presentation of evidence toward proving the charges alleged in the complaint. The accused may appear and defend, and may be represented by counsel. Full opportunity shall be afforded for hearing all evidence either in support of or against the charges. After completion of the hearing the board shall, if the findings are supported by a preponderance of the evidence, enter an order in accordance with such findings that the license of the respondent party be suspended or revoked or that the complaint be dismissed. If the board believes for good cause upon application of respondent licensee that the complaint should again be referred to the board for further hearing it may order a rehearing of the~~

charges before the board. A copy of the board's order dismissing the complaint or suspending or revoking any license shall be promptly sent to respondent licensee and other parties of record either by personal delivery or registered mail. Such order of

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the board shall be final unless the licensee or any other party to the record shall within 20 days after receipt of the board's order file a written motion with the board for rehearing, specifying the reasons therefor. The filing of a motion for rehearing shall stay the order pending a final decision. The board shall promptly either deny or allow the motion for rehearing. If allowed there shall be an additional hearing before the board after a notice of 20 days by registered mail or by personal delivery to the licensee and all parties of record. Not more than one rehearing on any complaint shall be granted. The decision of the board shall be final on issues of fact and final in all respects unless an appeal for judicial review is perfected as provided by law.

Petitions and hearings to contest the suspension or revocation of a license shall proceed in the manner set forth in Section 2-116-280 of this Code.

4-332-110 License - Suspension or revocation conditions.

1) The board shall revoke or suspend a license after a hearing before the board' when the findings show one or more of the following:

a) That the licensee obtained or conspired with others to obtain a license by inducing the issuance thereof in consideration of the payment of money or delivery of any other thing of value or by and through a wilful misrepresentation of facts to the board;

b) That the licensee wilfully violated any plumbing ordinance or resolution of the City of Chicago, or any law of this State regulating plumbing or plumbers;

c) That the licensee has been guilty of negligence or incompetence in the performance of plumbing;

d) That the licensee has been convicted of a felony;

e) That the licensee has wilfully violated any provision of this Code;

f) That the licensee has wilfully loaned or in any manner transferred his license to another person to permit such person to engage illegally in plumbing contrary to this chapter.

2) No proceeding to suspend or revoke a license shall be held unless filed with the board within three years next after the last date of violation. If a licensee is outside the State of Illinois subsequent to any violation by him as specified in this section, the time or duration of his absence from Illinois shall not be included.

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~~board may suspend any license under this section for not less than 30 days or more than one year, but if the~~

(4) The penalties set forth in 13-32-032 shall apply if the violation in subsection (1)(f) involves a licensee who has knowingly allowed any other person to use the licensee's name or license identification on a building permit application when such licensee will not be performing the work which the permit application states he will perform.

The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this Chapter as provided in • Section 13-8-140 of this Code:

4-332-120 Reinstatement procedure.

The board may in its discretion reinstate a plumber's license not less than one year and not more than five years after such license has been revoked. Reinstatement by the board may be ordered only after a hearing before the board on the petition of the person whose license has been revoked. Whenever a petition for reinstatement is filed with the board the board shall set a hearing and either by personal delivery or registered mail serve a copy of the petition and notice of when and where the hearing will be held on all parties of record when the license in question was revoked. Such notice shall be served at least 20 days before the date set for the hearing. The board shall hear all material evidence in support of or against the petition and shall promptly allow or deny the petition for reinstatement of the license. The order of the board shall be served on the petitioner and all parties of record either by personal service or registered mail, sent to their addresses of record. If the petition for reinstatement is denied the petitioner may file his petition for rehearing within 20 days after receipt of the board's order, whereupon the board will then promptly order either a denial or allowance of the petition for rehearing. If such petition for rehearing is granted the entire record shall be referred to the board and a hearing held not less than 20 days after notice of the time and place of the rehearing to all parties of record. At the conclusion of such rehearing the board shall either grant or deny the petition for reinstatement. No more than one rehearing on the same petition for reinstatement shall be allowed; and not more than one petition for reinstatement of the same license shall be considered or heard.

within one year. If the petition for reinstatement is granted by the board, it shall promptly issue a plumber's license.

Petitions and hearings for the reinstatement of a license shall proceed in the manner set forth in Section 2-116-290 of this Code.

4-332-130 Board power to subpoena. r/Reserved.1

The board shall have power to subpoena to any hearing authorized by this chapter any person in this state to give testimony and evidence either orally or by deposition or both. The board and each member of the board may also issue subpoena duces tecum for production of any books and records and other documents for evidence at any authorized hearing under this chapter. Witnesses subpoenaed as provided herein shall be paid the same witness fees and mileage as provided for witnesses who are subpoenaed to give testimony in any civil case in a court of record of this state; the board and any member of the board is hereby empowered to administer oaths or affirmations to witnesses at any hearing authorized by this chapter.

4-332-140 Attendance of witnesses and production of documents. Reserved.!

Any circuit or superior court or judge thereof, either in term time or vacation, upon the application of the board or any party of record to a hearing authorized by this chapter may order the attendance of any witness and the production of any books, papers or documents in this state at any hearing authorized by this chapter for the purpose of giving testimony or evidence. Any court or judge thereof as provided in this section may compel obedience to such order for appearance or production of records by proceedings for contempt.

4-332-150 Record of proceedings-Transcripts. Reserved-l

The board at its expense shall provide a stenographer, take testimony and preserve a record of all proceedings at the hearing upon any complaint or petition for reinstatement. The complaint or petition and other

4-332-160 Prima facie proof of signature. Reserved.1

An order of suspension, revocation or reinstatement of a license, or of a dismissal of a complaint or petition

- (a) ~~Such signatures are the genuine signatures of the members of the board;~~
- (b) ~~That such board and the members thereof are duly appointed and qualified to act.~~

4-332-175 Building permit privileges - Suspension.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

SECTION 15. Chapter 4-336 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and by adding new sections 4-336-055 and 4-336-058, as follows:

4-336-020 License - Application - Issuance conditions.

Any licensed plumber desiring to engage in the business of plumbing contractor shall apply for registration to the board of plumbing examiners. Upon the filing of such application in proper form and the payment of the registration fee fixed herein, the board of plumbing examiners shall register the applicant as a plumbing contractor and the commissioner of buildings shall issue to the applicant a certificate of registration which will authorize the applicant to engage in such business for the year in which it is issued, providing that such applicant has filed with the city clerk an indemnifying bond as hereinafter set forth. The board of plumbing examiners shall keep a suitable record of such registration.

4-336-055 Building permit privileges - Suspension.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

4-336-058 License or registration - Suspension or revocation.

The commissioner of buildings may suspend or revoke the license, registration or certification of any

person licensed, registered or certified under this Chapter as provided in Section 13-8-140 of this Code.

SECTION 16. Chapter 3-444 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and by adding a new Section 4-344-095, as follows:

4-344-090 License - Revocation and suspension ~~conditions.~~

~~The buildings commissioner shall have power to suspend or revoke the license of an engineer or a boiler~~

The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this Chapter as provided in Section 13-8-140 of this Code.

4-344-095 Building permit privileges - Suspension.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

SECTION 17. Chapter 4-376 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and adding new sections 4-376-085 and 4-376-088 inserting the language underscored, as follows:

4-376-050 Examination required.

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The applicant shall, at such time and place as the . board of examiners of mason contractors may designate, undergo such examination as to his qualifications and competency to engage in any of the recognized branches of such business as the said board may direct. Said examination shall be made in whole or in part in writing and shall be of a practical and elementary character, sufficiently strict to test the qualifications of the applicant. The commissioner of buildings shall issue license certificates to those applicants who pass the examination upon payment to the board of the required license fee. Such license certificates shall be issued in the name of the board with the seal thereof attached.

4-376-085 Building permit privileges - Suspension.

The commissioner of buildings may suspend the ability of any person licensed, registered or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code.

4-376-088 License or registration - Suspension or revocation.

The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this Chapter as provided in Section 13-8-140 of this Code.

SECTION 18. Chapter 13-8 of the Municipal Code of Chicago is hereby amended by adding new sections 13-8-130, 13-8-140 and 13-8-150, as follows:

13-8-130 Permit privileges - Suspension-fa) The Commissioner of Buildings may suspend the ability of any person to submit new applications or complete pending applications for a building permit, sign permit, electrical permit or other permit issued by the Department of Buildings when the Commissioner determines that the person:

1) performed or directed work requiring the issuance of a permit under this Code without the issuance of such permit; or

2) performed or directed work deviating from the drawings, plans or scope of work approved by the appropriate department issuing the permit in any work done under the authority

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of a permit issued pursuant to this Code where said deviation would require a prior written approval other than an in-field approval of the issuing department or such deviation would require the issuance of a new or revised permit; or

3) performed or directed work in violation of a stop work order; or

4) performed or directed work that results in the issuance of a stop work order by the City under section 13-12-080, 13-32-120, 13-32-130 or 17-16-0506 of this Code; or

5) upon completion of work requiring a rough or final inspection or certification, failed to contact the department to schedule a required inspection or failed to submit a required certification; or

6) " upon completion of work requiring a certificate of occupancy, failed to contact the"

6) department to obtain a required certificate of occupancy; or" . . .

7) utilized or directed any person of a building or construction trade or craft who is not licensed, certified or registered by the City to perform work that is required to be performed by a person licensed, certified or registered by the City; or

8) when a permit requires the listing of the name or identification number of a person required to be licensed, registered or certified by the City to perform the work, utilized or directed any person of a building or construction trade or craft to perform work other than the person or entity whose name or identification number is listed on the permit; or

9) listed or allowed the listing or use of one's license, certification or registration name or identification number on a permit application or a permit when that work is performed by another person; or

10) made a false statement on a permit application or aided and abetted another person in making a false statement on a permit application; or

11) performed or directed work contrary to this Code or failed to perform work required by this Code, and such action resulted in a substantial defect, error or deficiency requiring a re-inspection or re-review by the department; or

(12) failed to correct any substantial defect, error or deficiency as directed by the

department; or

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(13) performed or directed work that poses an immediate or imminent threat to the health and safety of workers or the public.

(b) If the Commissioner suspends the ability of any person to submit new applications

or complete pending applications for a building permit or other permit issued by the Department

of Buildings pursuant to this section the Commissioner shall:

1) notify the person in writing by first class mail at the address of record on the person's license, registration or certificate attesting to the basis for the suspension and a statement that no new permit applications or pending permit applications for any work at any location other than to correct the basis for the suspension will be accepted or processed until the basis for the suspension is corrected and verified by the department:

2) include a statement that the person may file a written request with the Commissioner to contest the basis for the suspension;

3) include a statement that in addition to any other fees and fines, a fee of \$150.00 shall be paid to the City for each inspection or review conducted by the City to verify compliance; and

4) include a statement that if the person contests the basis for the suspension and does not agree with the final decision of the Commissioner, the person may appeal the final decision to a court of competent jurisdiction.

(c) If the Commissioner suspends the permit privileges of a person under this section,

the person may file a written petition with the Commissioner for re-instatement of the permit

privileges. The petition shall include proof that the noncompliance has been abated or corrected

and that all related fines and fees have been paid. In addition to any other fees and fines, a fee

of \$150.00 shall be paid to the City for each inspection or review conducted by the City to verify

compliance.

If the Commissioner suspends any person's permit privileges under this section, the Commissioner may process an application for or revision to a permit if the permit is for work that would correct the basis for the suspension of permit privileges.

(d) For purposes of this section:

"Substantial defect, error or deficiency" means any work that creates a danger to the health or safety of workers on the site, to current or eventual users or occupants of the building, structure, premises or part thereof, or to the public.

"Noncompliance is corrected" means that the work or deviation or omission or other noncompliance has been corrected and the correction has been verified and approved by the department. If the work cannot be corrected due to the work not being eligible for the approval of a permit under this Code, then the term "noncompliance is corrected" shall mean that the building, structure and property has been fully returned to its pre-work state in a manner consistent with all health and safety provisions of this Code, or the building, structure and property has been, fully brought into compliance as verified by the department with any applicable settlement agreement, consent decree or order by a court of competent jurisdiction. .

"Suspend the ability of" or "suspend the permit privileges of includes, but is not limited to: (1) deactivating the ability of the person to submit or update permit applications electronically; (2) suspending further processing of any permit applications that have been submitted but for which the permit has not been issued; (3) withholding approval of any permit applications that have been submitted but for which the permit has not been issued; and (4) declining to accept new permit applications submitted in any format whatsoever.

(e) The Commissioner may promulgate rules for the proper administration and enforcement of this section.

f) Nothing in this section shall limit or affect the power of the City to issue a stop work order or exercise emergency closure powers under this Code or to suspend or revoke a license, certification or registration under this Code.

g) Any person whose license, registration or certification is suspended or revoked may not be issued a new license, registration, certification or permit system identification number by the City during the period of suspension. In the event that the person whose license, registration or certification is suspended or revoked is an entity, then no controlling person(s) of that entity, as defined in Section 4-4-005 of this Code, may be issued a new license, registration, certification or permit system identification number by the City during the period of the suspension or revocation.

13-8-140 License, registration or certification - Suspension or revocation.

(a) In addition to or concurrent with Section 4-4-280 of this Code, the Commissioner of Buildings may suspend or revoke the license, registration or certification issued to any person licensed or registered, or required to be licensed or registered under this Code, where the Commissioner has determined that the person:

1) performed or directed work requiring the issuance of a permit pursuant to this Code without the issuance of such permit; or

2) performed or directed work deviating from the drawings, plans or scope of work approved by the appropriate department issuing the permit in any work done under the authority of a permit issued pursuant to this Code, where such deviation would require a prior written approval other than an in-field approval of the issuing department or such deviation would require the issuance of a new or revised permit; or

3) performed or directed work in violation of a stop work order; or

4) performed or directed work that results in the issuance of a stop work order by the City under section 13-12-080, 13-32-120, 13-32-130 or 17-16-0506 of this Code; or

5) upon completion of work requiring a rough or final inspection or certification, failed to contact the department to schedule a required inspection or failed to submit a required certification; or

6) upon completion of work requiring a certificate of occupancy, failed to contact the department to obtain a required certificate of occupancy; or

7) utilized or directed any person of a building or construction trade or craft who is not licensed, certified or registered by the City to perform work that is required to be performed by a person licensed, certified or registered by the City; or

8) when a permit requires the listing of the name or identification number of a person or entity licensed or registered, or required to be licensed, registered or certified by the City to perform the work, utilized or directed any person of a building or construction trade or craft to perform work other than the person whose name or identification number is listed on the permit; or

9) listed or allowed the listing or use of one's license, certification or registration name or identification number on a permit application or a permit when that work is performed by another person; or

10) made a false statement on a permit application or aided and abetted another in making a false statement on a permit application; or

11) performed or directed work contrary to the Code or failed to perform work required by the Code and such action resulted in a substantial defect, error or deficiency requiring a re-
• inspection or re-review by the department; or

(12) failed to correct any substantial defect, error or deficiency as directed by the
department; or

(13) performed or directed work that poses an immediate or imminent threat to-the
health and safety of workers or the public.

(b) The Commissioner shall have the power to suspend a license, registration or certification issued to any person licensed or registered, or required to be licensed or registered under this Code for up to three hundred and sixty-five (365) days. The Commissioner shall have the power to revoke a license, registration or certification issued to a person licensed or registered, or required to be licensed or registered under this Code. Reinstatement of a revoked license, registration or certification shall not be automatic and a petition for reinstatement to the Commissioner showing rehabilitation to the satisfaction of the Commissioner that would allow for a reinstatement of a professional license, registration or certificate and public trust shall be required. All requirements of reinstatement set forth in Section 2-116-290 of this Code shall also apply to reinstatement by the Commissioner. Provided, however, if the basis for revocation is a conviction or finding of liability by a court or administrative tribunal of competent jurisdiction for an act or underlying act: (i) related to bribery or attempted bribery of a government official or government vendor; or (ii) related to fraud or theft or attempted fraud or theft involving a government project, government program, government procurement or government contract, the license revocation shall be permanent and reinstatement shall not be allowed unless the conviction or finding of liability is reversed or vacated.

c) If the Commissioner suspends or revokes the license, registration or certification of any person licensed or registered, or required to be licensed or registered under this Code, the Commissioner shall:

1) notify the person in writing by first class mail at the address of record on the person's license, registration or certificate describing the basis for the suspension or revocation and the duration of the suspension or revocation;

2) include a statement that the person may file a written request with the Commissioner or to the Board of Examiners or Commission that governed the license, registration or certificate to contest the basis for the suspension or revocation;

(3) . include a statement that if the person contests the basis for the suspension or revocation and does' not agree with the final decision of the Commissioner or the Board of Examiners or Commission the person may appeal the final decision to a court of competent jurisdiction.

d) The process for petitions and hearings contesting the suspension or revocation or for the reinstatement of a license, registration or certification under this section shall be in the manner prescribed in Section 13-8-150 of this Code.

e) For purposes of this section:

"Person or entity licensed or registered, or required to be licensed or registered under this Code" includes, but is not limited to: ventilation contractors as limited business licensees (Chapter 4-4), refrigeration contractors as limited business licensees (Chapter 4-4), residential real estate developers (Article V of Chapter 4-6), expediter companies (Article XXV of Chapter 4-6), expeditors (Article XXVI of Chapter 4-6), general contractors (Chapter 4-36), excavators (Chapter 4-196), steam boiler erectors and repairers (Chapter 4-266), crane operators (Chapter 4-288), elevator mechanic contractors (Chapter 4-298), plumbers (Chapter 4-332), plumbing contractors (Chapter 4-336), stationary engineers and boiler tenders (Chapter 4-344), masons and mason contractors (Chapter 4-376), supervising electricians and electrical contractors (Article II of Chapter 13-12) and sign erectors and sign contractors (Article XIII of Chapter 13-20).

"Substantial defect, error or deficiency" means any work that creates a danger to the health or safety of workers on the site, to current or eventual users or occupants of the building, structure, premises or part thereof, or to the public.

(f) The Commissioner may promulgate rules for the proper administration and enforcement of this section.

g) Nothing in this section shall limit or affect the power of the City to issue a stop work order or exercise emergency closure powers under this Code.

h) Nothing in this section shall relieve or excuse a person from maintaining any and all prerequisites, conditions and requirements for a valid and active license, registration or certification, including but not limited to, maintaining valid insurance, bonding, letter of credit or other financial liability coverage; maintaining valid licensing, registration or certification with a regulatory entity of the United States or the State of Illinois; payment of city, state or federal fees and taxes; and other prerequisites, conditions and requirements for a valid and active license, registration or certification.

(i) Any person whose license, registration or certification is suspended or revoked pursuant to this section may not be issued a new license, registration, certification or permit system identification number by the City during the period of suspension or revocation. In the event that the person whose license, registration or certification is suspended or revoked is an entity, then no controlling person(s) of that entity, as defined in Section 4-4-005 of this Code, may be issued a new license, registration, certification or permit system identification number by the City during the period of suspension or revocation.

13-8-150 License, registration or certification - Suspension, revocation and reinstatement petition and hearing.

a) Petitions and hearings to contest the suspension or revocation of a license, registration or certification issued to a person pursuant to Chapters 4-288, 4-332, 4-336, 4-344 and 4-376 of this Code and revoked or suspended pursuant to Section 13-8-140 of this Code shall be in the manner prescribed in Section 2-116-280 of this Code.

b) Petitions and hearings to reinstate a license, registration or certification issued to a person pursuant to Chapters 4-288, 4-332, 4-336, 4-344 and 4-376 of this Code and revoked

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pursuant to Section 13-8-140 of this Code shall be in the manner prescribed in Section 2-116-290 of this Code

(c) Petitions and hearings to contest the suspension or revocation of a license, registration or certification issued to any person pursuant to Chapter 4-4, Article II of Chapter 4-6, Article XXV of Chapter 4-6, Article XXVI of Chapter 4-6, Chapter 4-36, Chapter 4-196, Chapter 4-266, Chapter 4-298, Article II of Chapter 13-12 and Article XII of Chapter 13-20 of this Code and revoked or suspended pursuant to Section 13-8-140 of this Code shall be as follows:

(i) The person whose license has been suspended or revoked by the

Commissioner of Buildings pursuant to Section 13-8-140 may file a written petition requesting a

hearing to contest the suspension or revocation with the Commissioner. The written petition

must be filed with the Commissioner within-forty-five (45) days from the date of the suspension

or revocation.. The written. petition shall-recite the basis for contesting the suspension or

revocation. Only one such petition may be filed or considered per suspension or revocation.

ii) Upon receipt of a properly and timely filed written petition, the Commissioner shall within thirty (30) days of receipt cause a notice of hearing to be sent to the petitioner or the petitioner's counsel and to the Corporation Counsel. The hearing date shall be set no later than forty-five (45) days of the notice of hearing unless a later date is requested by the licensee in writing. The notice of hearing shall include the date, time and location of the hearing before the Commissioner; a statement that the licensee is entitled to appear at the hearing to testify, present witnesses, and present any other evidence regarding the petition; a statement

that the licensee may be represented by counsel at the licensee's sole expense; and a statement that if the licensee fails to appear at the hearing, the licensee is deemed to have conceded the petition.

iii) The proceedings shall be recorded by means of an audio recording or by court reporter, as determined by the Commissioner. In addition to the means of recording determined by the Commissioner, the petitioner may also provide for an audio recording or court reporter at the petitioner's cost. All testimony shall be given under oath or affirmation. The Commissioner shall have the power and discretion to issue subpoenas for the production of documents or testimony. The formal and technical rules of evidence shall not apply in the conduct of the hearing, and evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

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iv) Upon the closing of the record, the Commissioner shall take the matter under consideration and render a written decision and order within thirty (30) days of the closing of the record. The Commissioner shall cause a copy of the written decision and order to be served upon the licensee or the licensee's counsel and the Corporation Counsel. No rehearing shall be allowed upon the decision and order. The decision and order of the Commissioner shall constitute a final decision for purpose of judicial review by a court of competent jurisdiction.

v) If the Commissioner grants the petition to reverse the decision to suspend or revoke a license based upon a finding of post-suspension or post-revocation compliance with the underlying basis for the suspension or revocation, no such license shall be reactivated until such time the licensee has paid all related re-inspection or re-review fees and all of the penalties and fees that resulted from the actions that gave rise to the underlying basis for the suspension or revocation. Provided, however, if the basis for revocation is a conviction or finding of liability by a court' or administrative tribunal of competent jurisdiction for an act or underlying act: (i) related to bribery or attempted bribery of a government official or government vendor: or (ii) related to fraud or theft or attempted fraud or theft involving a government project, government program, government procurement or government contract, reactivation for post-suspension or post-revocation compliance shall not be allowed unless the conviction or finding of liability is reversed or vacated.

(d) Petitions and hearings to reinstate a revoked license, registration or certification issued to a person pursuant to Chapter 4-4, Article II of Chapter 4-6, Article XXV of Chapter 4-6, Article XXVI of Chapter 4-6, Chapter 4-36, Chapter 4-196, Chapter 4-266, Chapter 4-298, Article II of Chapter 13-12 and Article XII of Chapter 13-20 of this Code and revoked pursuant to Section 13-8-140 of this Code shall be as follows:

(i) The former licensee may file a written petition requesting a hearing for reinstatement with the Commissioner. The written petition shall recite the basis for the revocation and the passage of time since the revocation and shall set forth the efforts undertaken by the former licensee regarding the rehabilitation of the licensee's character that would warrant allowing the privilege of holding a professional license and public trust and confidence. Provided, however, if the basis for the revocation is a conviction or finding of liability by a court or administrative tribunal of competent jurisdiction for an act or underlying act: (i) related to bribery or attempted bribery of a government official or government vendor: or (ii) related to fraud or theft or attempted fraud or theft involving a government project, government

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program, government procurement or government contract, than no reinstatement shall be allowed unless the conviction or finding of liability is reversed or vacated. No petition shall be considered and no reinstatement shall be allowed less than one year or more than five years after the revocation of the license. Only one such petition for reinstatement may be filed or considered per revocation.

(ii) The department shall review the written petition within forty-five (45) days and issue an order either granting or denying the request for a hearing. The department shall cause a copy of the written order to be sent to the petitioner or the petitioner's counsel and to the Corporation Counsel.

e) If the Commissioner grants a hearing, the Commissioner shall cause a notice of hearing to be sent to the petitioner or the petitioner's counsel and to the Corporation Counsel. The hearing date shall be set no later than forty-five, (45) days of the notice of hearing unless a later date is requested by the petitioner in writing. The notice of hearing shall include the date, time and location of the hearing before the Commissioner; a statement that the licensee is entitled to appear at the hearing to testify, present witnesses, and present any other evidence regarding the petition to reinstate; a statement that the licensee may be represented by counsel at the petitioner's sole expense; and a statement that if the petitioner fails to appear at the hearing, the petitioner is deemed to have conceded the petition.

f) The burden of proof, by a preponderance of the evidence, regarding the rehabilitation of the petitioner that would warrant allowing the privilege of holding a professional license and public trust and confidence shall be on the petitioner. The proceedings shall be recorded by means of an audio recording or by court reporter, as determined by the Commissioner. In addition to the means of recording determined by the Commissioner, the petitioner may also provide for an audio recording or court reporter at the petitioner's cost.

All testimony shall be given under oath or affirmation. The Commissioner shall have the power to issue subpoenas for the production of documents or testimony. The formal and technical rules of evidence shall not apply in the conduct of the hearing, and evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

g) Upon the closing of the record, the Commissioner shall take the matter under consideration and render a written decision and order within thirty (30) days of the closing of the

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record. The Commissioner shall cause a copy of the written decision and order to be served upon the petitioner or the petitioner's counsel and the Corporation Counsel. No rehearing shall be allowed upon the decision and order. The decision and order of the Commissioner shall constitute a final decision for purpose of judicial review by a court of competent jurisdiction.

(h) If the Board grants the petition for reinstatement, no such license shall be reinstated until such time the petitioner has paid all license fees for the period during which the license was revoked as well as any and all monetary penalties and civil restitution ordered by a court or administrative tribunal of competent jurisdiction that resulted from the actions that gave rise to the underlying basis for the revocation-CD For purposes of this section, the term "license" shall include a license, registration or certification-, and the term "licensee" shall include a licensee, registrant or certificate holder. '

SECTION 19. Chapter 13-12 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-12-060 Architects, engineers, contractors, etc. - Failure to conform with code provisions - Penalty.

(a) Any architect, structural engineer, contractor or builder, individual or corporate, who has designed, constructed, repaired, altered, removed or demolished any building or any part or equipment thereof in violation of or in a manner which fails to conform with the provisions of this Code enumerated in Section 13-12-010 shall each be fined not less than \$25.00 and not more than \$200.00 for each and every violation of any of the said provisions existing in such design, construction, repair, alteration, removal or demolition.

b) Any architect, structural engineer, expediter company or expediter who has submitted plans, drawings or calculations for the design, construction, repair, rehabilitation, addition, alteration or demolition of

any building or any part or equipment thereof in violation of or in a manner which fails to conform with Section 13-12-010 or other provisions of this Code may have their ability to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings suspended for cause pursuant to section 13-32-045 of this Code.

c) Any contractor or trade person who has constructed, repaired, altered, removed or demolished any building or any part or equipment thereof in violation of or in a manner which

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fails to conform to Section 13-12-010 or other provisions of this Code may have their ability to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings suspended for cause pursuant to section 13-8-130 of this Code.

13-12-126 Vacant buildings - Mortgagee required to act - Enforcement authority.

(Omitted text is unaffected by this ordinance)

(d) The commissioner of buildings may issue rules for the administration of this section, and is further authorized to administer the notification, registration and other record keeping requirements of this section, Section 13-12-125 and Section 13-12-128 either directly or through one or more third-party agents. Subject to the availability of duly appropriated funds, the commissioner is authorized to: (i) contract with third parties to administer these, notification, registration and other recordkeeping requirements and any ancillary aspects, and (ii) execute ancillary documents and provide ancillary information, assurances or certifications as needed to carry out this subsection (d). If authorized by the commissioner, notification and other filing/registration requirements in this section, Section 13-12-125 and in Section 13-12-128 shall be deemed satisfied by such notifications being provided to or by or filings and registrations submitted to, the commissioner's agent.

(Omitted text is unaffected by this ordinance) 13-12-430

Suspension of permit privileges.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified, or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as set forth in Section 13-8-130 of this Code-Failure on the part of any registered electrical contractor to correct

any defect, error, or deficiency in any work installed under the authority of a permit issued by the department of buildings within ten calendar days after written notification thereof by the said bureau or within such further ~~re~~

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~~until such corrections have been made, inspected, and approved. In addition thereto the~~

The building commissioner is hereby empowered to suspend the permit privileges of any registered electrical contractor who shall fail to pay any just indebtedness for inspection fees for electrical wires and apparatus as fixed by that part of this article dealing therewith, until such registered electrical contractor shall discharge and pay to the city all just indebtedness then due and owing from such registered electrician.

13-12-480 Revocation of permit or certificate of inspection; and suspension, revocation or reinstatement of a certificate of registration.

Any person violating any of Sections 13-12-420 through 13-12-470, inclusive, shall be subject to the penalties provided for in Section 13-12-040, and in addition thereto, the permit, certificate of inspection, or any printed form issued to a registered electrical contractor shall be revoked by the building commissioner. Notice of revocation shall be in writing to the person violating any of those sections. A certificate of registration issued pursuant to Sections 13-12-280 through 13-12-530 may be suspended or revoked by the commissioner as provided in Section 13-8-140 of this Code.

SECTION 20. Chapter 13-20 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and by adding a new section 13-20-605, as follows:

13-20-520 Penalties.

(Omitted text is unaffected by this ordinance)

(b) In addition to any other fine or penalty provided, if, on three separate occasions in any 12-month period, any registered electrical contractor, a registered sign contractor, or bonded sign erector erects, installs, alters, repairs, enlarges or illuminates any sign or structure covered by the provisions of this article, without first having obtained any permit required under this Code, such person's certificate of registration, bond and all permit privileges may be subject to suspension under section 13-20-600 of this Code or revocation.

13-20-590 Construction contrary to permit.

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It shall be unlawful for any person to erect, alter, maintain or repair any sign or signboard contrary to the approved permit. Where a sign has been erected, altered, or repaired contrary to the approved permit, the permit shall be invalidated by such action. ~~Where a bonded sign erector, a registered sign contractor, or a registered electrical contractor installs, alters, erects, or repairs a sign, or illuminates a sign without a permit first being issued, the permit privileges of such bonded sign erector, a registered sign contractor, or registered electrical contractor may be suspended and shall not be reinstated until such time as all the provisions of this chapter have been complied with.~~

~~Where a bonded sign erector, a registered sign contractor, or a registered electrical contractor performs defective work in the erection, alteration, or repair of a sign or the illumination of a sign, or when a permit is invalidated, the contractor shall be notified in writing of such defective work or invalidation. If at the end of ten days the defective work has not been corrected, the permit privileges of such contractor shall be suspended and shall not be reinstated until such defective work has been corrected.~~

13-20-600 ~~Reserved~~ Suspension of permit privileges.

The commissioner of buildings may suspend the ability of any person licensed, registered or certified, or required to be licensed, registered or certified under this Chapter to submit new applications or complete pending applications for a building permit or other permit issued by the department of buildings for cause as provided in Section 13-8-130 of this Code.

13-20-605 Suspension or revocation of license, registration or certification.

The commissioner of buildings may suspend or revoke the license, registration or certification of any person licensed, registered or certified under this Chapter as provided in Section 13-8-140 of this Code.

SECTION 21. Chapter 13-32 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored and by adding a new Section 13-32-045, as follows:

13-32-032 Unlawful transfer of license, registration or certification for building application purposes.

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a) No person licensed, registered or certified under this Code shall knowingly allow any other person to use the licensee's name of the licensed, registered or certified person or license, registration or certification identification number on a building permit application if such licensee licensed, registered or certified person will not be performing the work which the permit application states he will perform unless the permit application has been amended to (i) remove the licensee's name of the licensed, registered or certified person or license, registration or certification identification number; and (ii) insert the name and identification number of the licensee licensed, registered or certified person who will perform the work.

b) No person named in a building permit application shall subcontract or assign any portion of the described work to any other person, without first amending the application to., identify the subcontractor or assignee.

c) In addition to other remedies provided, by this Code, any Any licensee licensed, registered or certified person who violates this section shall be assessed a fine of \$1,000.00 for the first offense; a fine of \$1,500.00 and a 90-day license suspension for the second offense;' and a fine of \$2,000.00 and the licensee's name shall be referred to the appropriate licensing, registration or certification board or body for license, registration or certification revocation for the third offense.

13-32-033 False or inaccurate license, registration or certification name or number on building permit application.

It shall be unlawful for any person to knowingly insert or fail to timely correct a false or inaccurate name or license, registration or certification number on a building permit application when identifying a contractor, or any person required to be licensed, registered or certified by this Code, who will be performing the work described in the building permit application. In addition to other remedies provided by this Code, any Any person who violates this section shall be assessed a fine of ~~\$500.00~~ \$1,000.00 and the building permit shall be revoked.

13-32-045 Submission of non-compliant drawings, plans or calculations - suspension of permit privileges.

(a) Pursuant to section 13-8-130 of this Code, the commissioner of buildings may suspend the ability

of an architect, structural engineer, expediter company or expediter to submit new applications or complete pending applications for a building permit or other permit

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issued by the department of buildings for cause where the commissioner has determined that such person has established a pattern of:

1) failing to correct any substantial defects, errors, omissions or deficiencies in an application, drawings, plans, calculations or supporting materials as directed by the department within a reasonable time period; or

2) re-submitting an application, drawings, plans, calculations or supporting materials to the department without correcting the substantial defects, errors, omissions or deficiencies as previously directed by the department.

For purposes of this section, '■'

"Pattern" means five or more instances of any items enumerated above within any twelve-month period.

"Suspend the ability of" and "suspend the permit privileges of" shall have the meaning ascribed to those phrases in section 13-8-130.

(b) The commissioner may promulgate rules for the proper administration and enforcement of this section.

13-32-080 Permit issuance - Issuance prohibited when.

(Omitted text is unaffected by this ordinance)

(b) No building permit shall be issued under this code unless the building permit application is accompanied by an affidavit, signed by the property owner and, if applicable, the general contractor, licensed, certified or registered trade contractor or any other person deemed necessary by the building commissioner, in which the undersigned (1) acknowledge the penalties that may attach if any work in violation of or beyond the scope of the permit is done on the property identified in the permit application; (2) certify, under possible penalty of law, that all construction work under the proposed building permit will conform to the requirements

of the Chicago Municipal Code; (3) acknowledge that any false statement of fact made on the affidavit required by this subsection may subject the person making such a statement to a range of civil and criminal penalties, such as a period of incarceration, fines and an award to the City of up to three times any damages incurred; and (4) make any other acknowledgments or certifications

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on the affidavit that the building commissioner, in consultation with the corporation counsel, may require to implement the requirements of the Chicago Municipal Code of Chicago.

(Omitted text is unaffected by this ordinance)

SECTION 22. SECTION 3 of the ordinance passed on July 20, 2016 and published at pages 28070 through 28073 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 stricken through and inserting the language underscored, as follows:

SECTION 3. Amendments made to subsection (d) of Section 13-12-126 effected by SECTION 2 of this Ordinance shall be in full force and effect 90 days following passage and publication.. Following passage and publication, the remainder of this ordinance shall take effect on June 1, 2017.

SECTION 23. In the event that any section, subsection, paragraph, clause, provision or application of this amendatory ordinance of 2017 is held invalid by any court, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions hereof.

SECTION 24. This Ordinance shall take effect 10 days after its passage and publication.

