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Legislation Text

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Committee on License and Consumer Protection City Council
Meeting January 23, 2019 Alderman Brendan Reilly, 42nd Ward
Amend Section 10-8-270 of the Municipal Code

ORDINANCE

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

SECTION 1. Section 10-8-270 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-270 Distribution of commercial advertising matter on the public way.

a) It shall be unlawful for any person to distribute or to cause others to distribute, as defined in Section 10-8-325(d), commercial advertising matter, as defined in Section 10-8-320(a) ~~of any kind~~ on any public way or other public place of the eity Cjty in any manner other than from hand to hand.

b) It shall be unlawful for any person to distribute or to cause others to distribute, as defined in Section 10-8-325(d). commercial advertising matter, as defined in Section 10-B-320(a), ~~of any kind~~ on any public way or other public place of the eity City, by distributing more than one ~~handbill~~ item per recipient except upon the recipient's express request for additional items.

c) Any person ~~violating~~ who violates subsection (a) of this section shall be fined not less than \$200.00 er nor more than \$1,000.00 for each offense.; ~~and any~~ Any person ~~violating~~ who violates subsection (b) of this section shall be fined not less than \$25.00 Of nor more than \$50.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. There shall be a rebuttable presumption that any person, business or entity whose goods, services, or activities are promoted in the any commercial advertising matter distributed in violation of this section is a person who distributed it the commercial advertising matter or caused others to distribute it ~~to be distributed~~.

SECTION 2. Section 10-8-271 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-271 Distribution of commercial advertising matter on private property.

(a) It shall be unlawful for any person to distribute or te cause others to distribute, as defined in Section 10-8-325(d). commercial advertising matter, as defined in Section 10-8-320(a). ~~of any kind~~ on the premises of any residential dwelling in the eity City in such a manner that the commercial advertising matter does or reasonably could: (1) interfere with any security mechanism, or (2) cause any safety hazard, or (3) make a hole, remove paint or otherwise damage the surface of any structure or object where the commercial advertising ~~material~~ matter is placed. Unlawful methods of distribution include₇ but are not limited tc[^]i (i) hanging commercial advertising matter on the doorknob of any entrance door or gate,

(ii) placing or wedging commercial advertising matter into or underneath any entrance door in such a manner that it interferes or could interfere with the door locking, (iii) leaving a stack of commercial advertising matter on the premises, or (4) using a method of delivery that causes or reasonably could cause the commercial advertising matter to become dislodged and blown away or otherwise deposited by the elements upon any sidewalk, street, alley or other public place or private residence within the city City. The distribution of commercial advertising matter shall not be unlawful under this section subsection if: (A) the commercial advertising matter is placed in the hands of its intended recipient, or (B) '4 the owner or manager of the premises has posted express written consent authorizing the distribution of commercial advertising matter on the premises, or (C) if the commercial advertising matter is placed in a specific location, where it is unlikely to be dislodged by the elements, designated by the property owner or manager for the receipt of such matter. This section shall apply only to commercial advertising matter.

b) It shall be unlawful for any person to distribute or to cause others to distribute, as defined in Section 10-8-325(d), commercial advertising matter, as defined in Section 10-6-320(a), of any kind on any private property in the city City where the owner, occupant or manager of the property has posted a "No Trespassing" or "No Soliciting" sign or a substantial equivalent thereof that is located so as to be clearly visible to the person wishing to distribute commercial advertising matter at or near that portion of the property.

c) Any person violating any of the provisions of who violates this section shall be fined not less than \$200.00 or nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. There shall be a rebuttable presumption that any person, business or entity whose goods, services, or activities are promoted in the any commercial advertising matter distributed in violation of this section is a person who distributed it the commercial advertising matter or caused others to distribute it to be distributed.

SECTION 3. Section 10-8-310 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-310 Placing commercial advertising matter in automobiles prohibited - Prohibited.

(a) No person shall distribute or cause others to distribute, as defined in Section 10-8-325(d), ~~circulares, handbills, folders or other~~ commercial advertising matter, as defined in Section 10-8-320(a), by means of handing them such commercial advertising matter to the occupants of automobiles operated or standing in the public way, or by placing or thrusting such ~~circulares, handbills, folders or other~~ commercial advertising matter into or upon or under the windshield wiper of an unoccupied automobile standing in the public way.

(Jb) Any person violating any of the provisions of who violates this section shall be fined not less than \$200.00 or more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. There shall be a rebuttable presumption that any person, business or entity whose goods, services, or activities are promoted in the anv commercial advertising matter distributed in violation of this section is a person who distributed it the commercial advertising matter or caused others to distribute it to be distributed.

SECTION 4. Section 10-8-320 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-320 Posting bills commercial advertising matter on public property - Prohibited.

(a) "Commercial advertising matter" means any written material that proposes or promotes, in whole or in part, or directly or indirectly: (1) any exchange of goods or services by a for-profit or not-for-profit business for valuable consideration; or (2) any activity that requires a license under Titles 4 or 9 of this Code; or (3) any activity that: (i) is open to members of the general public, and (ii) requires the payment of money or other valuable consideration, including but not limited to any cover charge, door entry fee, admission fee, minimum purchase requirement, donation, or other compensation or revenue, for the privilege of entering the premises or the portion of such premises where such activity is occurring or will occur. Written material shall be deemed to constitute commercial advertising matter of the type that proposes or promotes an exchange of goods or services for valuable consideration if such material bears the name of or contact information for a business or entity, or, absent the name of or contact information for a business or entity, bears a design, picture, symbol, catchphrase or slogan that is associated with a business or entity or its goods, services, or activities. The term "commercial advertising matter" shall not include: (i) informational material produced or distributed by a unit of government, or (ii) material solely offering a reward for lost property or announcing a neighborhood block party.

(b) No person shall distribute or cause others to distribute, as defined in Section 10-8-325(d), commercial advertising matter material by means of posting, sticking, stamping, tacking, painting or otherwise fixing any such matter sign, notice, placard, bill, card, poster, advertisement or other device calculated to attract the attention of the public, to or upon any: (1) sidewalk, crosswalk, curb or curbstone, flagstone or any other portion or part of any public way, lamppost, electric light, traffic light, telegraph, telephone or trolley line pole, hydrant, shade tree or tree-box, or upon {2} the piers, columns, trusses, girders, railings, gates or parts of any public bridge or viaduct, or upon any (3) pole box or fixture of the police and fire communications system, or (4) bus shelter, except such as may be unless such distribution is required by the laws of the state and the State or ordinances of the city City.; or on any bus shelter. exeet Provided, however, that the city may allow the posting of decorative banners may be placed on City lightpoles in accordance with Section 10-8-340 below

(c) There shall be a rebuttable presumption that any person, business or entity whose goods, services, or activities are promoted in the any commercial advertising matter distributed in violation of this section is a person who distributed it the commercial advertising matter or caused others to distribute it to be distributed.

(d) In addition to any other penalty provided by law. Am any person violating any of the provisions of who violates this section shall be fined not less than \$200.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(e) In addition, any Anv person violating any of the provisions of who violates this section shall also be liable to the eity Citv for the cost of repair of any damage caused by the hanging, presence or removal of any such sign commercial advertising matter distributed in violation of this section and for any and all claims arising out of the hanging, presence or removal of any such sign commercial advertising matter distributed in violation of this section, including

any claims relating to signs commercial advertising matter, or the structures upon which they are the commercial advertising matter is hung,, falling on people or property.

SECTION 5. Section 10-8-325 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-6-325 Responsibility for distribution of commercial advertising matter.

a) ~~Any person who distributes, or causes to be distributed others to distribute, as defined in subsection (d) of this section, any commercial advertising matter, as defined in Section 10-8-320(a), promoting his, her or its goods, services, or activities; on the public way or other public place or on the premises of any private property in the city is required to~~ City shall: (1) prior to distributing such commercial advertising matter, place on such commercial advertising matter, the city business license number for the business promoted, in a manner and size that is clear and legible, the business's license number on all commercial advertising matter prior to any such distribution; provided, however, that, this requirement shall apply only to those businesses which are required by law to obtain a city business license under this Code; and (2) provide each person hired or requested to distribute commercial advertising matter on his, her or its behalf of such business with: (i) a summary or copy of the requirements for lawful distribution of commercial advertising matter, set forth in Sections 10-8-270, 10-8-271, 10-8-310, and 10-8-320, of this Code, to train those persons on complying and (ii) training on how to comply with such requirements those sections^ and (3) require such compliance each person hired or requested to distribute commercial advertising matter to comply with Sections 10-8-270, 10-8-271, 10-8-310, and 10-8-320.

b) ~~Any In addition to any other penalty provided by law, any person violating any of the provisions of who violates this section shall be fined not less than \$200.00 or nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.~~

c) ~~The department of business affairs and consumer protection Commissioner of Business Affairs and Consumer Protection ("BACP Commissioner") is authorized to suspend or revoke, in accordance with Section 4-4-280 or other applicable license suspension or revocation procedures, any person's city business license issued under Titles 4 or 9 of this Code for violations of any of the provisions of this section^orof Sections 10-8-270, 10-8-271, 10-8-310, and or 10-8-320A of this Code or of any rule promulgated thereunder, if where: (1) the licensee is found liable for three or more such violations, in any combination, within a 12-month period, or (2) the commissioner of streets and sanitation Commissioner of Streets and Sanitation recommends such license suspension or revocation to the department BACP Commissioner base~~

d) ~~When used in this section or in Sections 10-8-270, 10-8-271, 40 8 272, 10-8-310, and 10-8-320 of this Code, the term "distribute or cause others to distribute" shall refer exclusively to the actions of the person,, or business or entity: (1) whose goods, services or activities are promoted by the commercial advertising material matter, or who is in the business of distributing the material commercial advertising matter described in those sections; and (2) who initiated or directed the distribution. The terms term "distribute or cause others to distribute" shall not refer to~~

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the actions of the persons any person who is hired or requested to distribute commercial advertising matter but havin§ who has no ownership or managerial interest in the business or entity whose goods, services or activities are being advertised promoted by the commercial advertising matter or distributed or in the distribution business distributing the commercial advertising matter on behalf of such business or entity.

SECTION 6. This ordinance shall take full force and effect upon its passage and publication.

