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Legislation Text

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OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

January 27, 2021

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

Ladies and Gentlemen:

At the request of the Commissioner of Public Health, I transmit herewith an ordinance amending 2-112 of the Municipal Code and associated sections.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours.

Mayor
ORDINANCE

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

This ordinance is organized into articles, as follows:

Article I:	Amendments to Chapter 2-112
Article II:	Amendments to Chapter 2-120
Article III:	Amendments to Title 4
Article IV:	Amendments to Title 7
Article V:	Miscellaneous Conforming Amendments

Article VI: Effective Date

ARTICLE I. AMENDMENTS TO CHAPTER 2-112

SECTION 1. Chapter 2-112 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

Chapter 2-112 BOARD OF HEALTH **DEPARTMENT OF PUBLIC HEALTH**

2-112-005 Definitions.

For purposes of this chapter, the following definitions shall apply:

~~"Board of Hoalth" means the Board of Hoalth of the City of Chicago.~~

"Commissioner" or "Commissioner of Public Health" or "Commissioner of Health" means the Commissioner of the Department of Public Health of the City of Chicago or his or her designee.

"Department" or "Department of Public Health" or "Department of Health" means the Department of Public Health of the City of Chicago.

2-112-010 Establishment and composition. - ~~Membership and organization.~~

~~There is hereby established a board of hoalth. The board shall consist of nine members, one of whom shall be the president of the board and one the secretary of the board. The president of the board shall be a physician, duly licensed to practice medicine. The mayor, with the approval of the city council, shall appoint the president of the board of hoalth and each of the other members of said board. The board shall appoint one of its membors as secretary.~~

There is hereby established an executive department of the municipal government of the City which shall be known as either the Department of Public Health of the City of Chicago or the Department of Health of the City of Chicago. The Department shall be administered by a Commissioner of Public Health, who shall be either be a physician, duly licensed in Illinois, or have an advanced degree in a field related to public health and professional experience in public

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health administration or hospital administration. If the Commissioner is not a physician, at least one deputy commissioner of the Department shall be a physician, duly licensed to practice in Illinois. The Commissioner, and one or more deputy commissioners, shall be appointed by the Mayor.

2-112-020 Powers and duties Succession.

~~It shall be the duty of the board of health to be well informed regarding all matters affecting the health of the citizens of Chicago. It shall formulate policies and otherwise advise the mayor of the city and the commissioner of health on all health issues.~~

The Commissioner and the Department shall assume all rights, powers, duties, obligations and responsibilities of the Board of Health as of the effective date of this amendatory ordinance of 2021 except for those Board of Health powers and duties expressly retained. All personnel, books, records, property, and funds relating to the Board of Health shall be made available to the Department. The Department shall succeed to the rights and duties of the Board of Health under existing contracts, grants, loan agreements or programs, or other agreements or ordinances. All rules issued by the Board of Health or the Commissioner in effect as of the effective date of this amendatory ordinance of 2021 shall remain in effect until amended or repealed by the Commissioner.

2-112-030 Commissioner - Administrative authority.

All matters pertaining to the administration of the staff of the board of health Department and the proper protection and promotion of public health shall be in charge of the Commissioner of Public Health, a commissioner of health, who shall either be a physician, duly licensed in Illinois, or have an advanced degree in a field related to public health and professional experience in public health administration or hospital administration. If the commissioner is not a physician, at least one deputy commissioner of the department of health shall be a physician, duly licensed to practice in Illinois. The commissioner, and one or more deputy commissioners, shall be appointed by the mayor. The commissioner of health, the deputy commissioners of health, and the staff under their direction shall be an executive department, which shall be known as either the department of health of the City of Chicago or the department of public health of the City of Chicago and shall function under the direction of and be responsible to the mayor of the City of Chicago.

2-112-040 Compensation.

The president of the board of health shall be paid the salary provided for in the annual appropriation ordinance. The other members of the board shall serve without compensation.

2-112-050 Meetings-Quorum^

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It shall be the duty of the board of health to hold regular meetings at least once in each month, for which provision shall be made by the rules of the board. Special meetings may be held upon call of the president or of the other members of said board. The president of the board of health shall preside at its meetings. Action of the board shall be governed by a majority vote of members present. A quorum of five members is required for any official action, whether or not there are vacancies in board membership.

2-112-060 Delegation of president's authority.

The board of health, by official action and record thereof, shall have power to delegate the authority of the president of the board during his absence from duty to another member of the board. The person so designated shall have and exercise the authority of the president.

2-112-070 2-112-040 Power to arrest violators.

The president of the board of health, the secretary of the board of health, the commissioner of health, the assistant commissioners of health, and all physicians, employees or inspectors who may be designated by the board of health Commissioner shall have the right to arrest or cause to be arrested any person who violates any of the health provisions of this Code.

2-112-080 2-112-050 Police powers.

The commissioner of health Commissioner shall have the power to exercise the general police power of the City of Chicago to correct, by whatever means are necessary, any health hazard that presents an immediate risk to the life or health of one or more citizens of the City of Chicago.

2-112-090 Members 2-112-060 Employees held harmless for official acts.

The members of the board of health, the commissioner of health Commissioner and any employee acting under the commissioner's Commissioner's direction, shall be held harmless for any official act performed in accordance with and under the authority of this chapter.

The City of Chicago shall represent and pay all costs, fees, settlements[^] or verdicts associated with any claim or lawsuit filed against a volunteer health professional acting under the commissioner's Commissioner's direction, or against a physician or dentist acting under the commissioner's Commissioner's direction pursuant to a contract, if the claim or lawsuit arises out of duties associated with the department of health Department and within the scope of those duties. However, the City of Chicago shall not pay any costs, fees, settlements[^] or verdicts associated with a claim or lawsuit filed against a physician or dentist acting under the direction of the commissioner of health Commissioner pursuant to a contract if the incident upon which the claim or lawsuit is based occurred more than 90 days following the date upon which the aforementioned contract was entered into.

2-112-100 2-112-070 Adoption of health and environmental rules.

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(a) Except as otherwise provided in subsection (b), the board is authorized to adopt rules for the implementation of health ordinances when in its opinion those are necessary, or are required pursuant to ordinance. Upon passage of these rules and publication of a notice of their passage in a newspaper of general circulation, and the expiration of ten days, those rules shall have the effect of law. The publicized notice shall contain a brief description of the rules and state the location where the full text of the rules is available for public inspection. Upon request of any citizen the board shall hear objections and suggestions regarding rules. The board may hold formal and informal hearings prior to the passage of rules as it deems necessary. All meetings and hearings shall be open to the public.

{&)-The Commissioner of Health, not the Board of Health, is authorized to adopt rules which the Commissioner deems necessary or appropriate for the proper administration or enforcement of the provisions of this Code pertaining to the regulation of food establishments, including Chapters 4-8, 7-38, 7-40, and 7-42 of this Code. The Commissioner of Health shall notify the Board of Health when it adopts or amends rules pertaining to the regulation of food establishments as authorized in this subsection or other parts of this Code.

~~(g)-Nothing provided in this section shall be construed to prohibit the Board of Health from adopting emergency rules or otherwise from taking action as provided in Section 2-112-110.~~

a) The Commissioner is authorized to issue rules necessary or proper for the administration or enforcement of health ordinances, including but not limited to the provisions of this Code pertaining to the regulation of food establishments, including Chapters 4-8, 7-38, 7-40, and 7-42 of this Code, and for the administration or enforcement of environmental ordinances. The Commissioner shall not enact any rule, except those emergency rules described in subsection (b), until the Commissioner holds a public hearing on such rule or until the Commissioner provides an opportunity for the public to submit comments in written or electronic form. If the Commissioner holds a public hearing, the Commissioner shall give not less than ten (10) calendar days' notice of the time and place of such hearing by publication in a prominent location on the Department's website. The Commissioner shall also e-mail notices of all public hearings to persons who file a request with the Department for notice of the Commissioner's intention to issue such rules. If the Commissioner solicits written or electronically submitted comments, the Commissioner shall give public notice by e-mailing a notice of the solicitation of comments to all persons who file such a request with the Department and by publishing such notice in a prominent location on the Department's website with the text of the proposed rule. The Commissioner shall accept written or electronically submitted comments for a period of not less than thirty (30) calendar days from the date of the notice. However, the Commissioner shall have the power to make reasonable administrative and procedural rules interpreting or clarifying the requirements that are specifically prescribed in this chapter and Chapters 4-8, 7-38, 7-40, 7-42, and 11-4 of this Code, without notice, hearing or solicitation of written or electronically submitted comments.

b) The requirements for notice, hearing, and solicitation of comments shall not apply when immediate effectiveness is required to address an imminent or actual emergency. As soon as practicable after promulgation, such emergency rules shall be published on the Department's public website with notice that they are in force in the City.

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2-112-110 Emergency rules

~~In case of communicable or epidemic disease or of danger from anticipated or impending communicable or epidemic disease, or in case a sanitary condition of the city shall be of such a character as to warrant it, it shall be the duty of the said board of health to make such rules and to take such measures and to do, and order to be done, and cause to be done, such acts for the preservation of the public health (though not heretofore or elsewhere or otherwise authorized) as it may in good faith believe and declare the public safety and health demand. All such rules so declared by the said board of health to be emergency rules shall take effect immediately, even if not yet published, but as soon as may be after the promulgation of the same, the said emergency rules shall be published, with notice that they are in force in the city.~~

2-112-120 Citizen's objections.

~~Actions taken pursuant to this authority shall be reported to the board at the first meeting following the event at which time the board will hear any citizen's objection to the actions. It will confirm all actions to which there are no objections and in the event of objection shall approve, modify or rescind the commissioner's~~

~~action as it deems appropriate.~~

2-112-130 2-112-080 Report of disease occurrence.

The ~~board of health~~, on its own initiative or upon the recommendation of the commissioner of health, Commissioner shall determine from time to time what disease occurrence shall be reported to the ~~department of health~~ Department. All physicians shall report these diseases upon their occurrence, when the ~~board of health~~ Commissioner so directs. Where a disease occurrence shall be identified, whether in a hospital or institution, the responsibility for reporting shall be placed on the head of that institution or upon the attending physician depending upon the bylaws of said institution. In the event that there is no provision by bylaw, both parties shall be responsible.

2-112-140 2-1120-090 Health system planning.

The ~~board of health~~ Commissioner shall perform the function of planning all aspects of health systems within the Commissioner's jurisdiction. This may be accomplished by employing a staff of persons competent in this function or by contract or agreement using the resources of another department of city City government or by contract or agreement with a suitable health planning agency or a combination of the three.

The ~~board of health~~ Commissioner shall have the power to make the Chicago health plan a part of the plan for a larger geographical area and to this end may contract or enter into agreements with other units of government. The ~~commissioner of health~~ Commissioner, with the approval of the ~~mayer~~ Mayor, is authorized to institute such procedures as he the Commissioner finds necessary to implement the health planning approved by the board plan. These may include, but will not be limited to the requirements for a Chicago board of health certificate of necessity for location and construction of new health facilities, remodeling of old facilities, or determination of the kinds of ambulatory services and public health programming to be conducted in the city City.

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and the extent of the services or programming to be rendered[^] as well-as and the requirements of equipment[^] and professional qualifications of staff.

2-112-150 2-112-100 Grants and other agreements.

(Omitted text is unaffected by this ordinance)

2-112-160 2-112-110 Commissioner-Additional powers and duties.

The Commissioner of Public Health shall have the following powers and duties:

- (a) Public health related powers and duties:

(Omitted text is unaffected by this ordinance)

(2) To enforce all regulations of the Board of Health or any other federal, state[^] or local authority with power to make regulations concerning the public health;

(Omitted text is unaffected by this ordinance)

7) To request, collect, receive, and maintain confidential information, records, and data, including protected health information consistent with 45 C.F.R. § 164.512(b)(1)(i), for the purpose of preventing or controlling disease, injury, or disability. The confidential information, records, and data may support activities including, but not limited to, the reporting of disease, injury, or vital events such as birth or death; the conducting of public health surveillance, public health investigations, and public health interventions; the performance of epidemiological studies; and the application of data science methods or other analytic models that protect and promote public health. Any person required to provide such information, records, and data to any local, state, or federal government agency shall, at the request of the Commissioner[^] of Health, or as set out in rules promulgated in furtherance of this subsection, also provide it to the Chicago Department[^] of Public Health, except where prohibited by law.

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

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- (9) To issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, records, documents, data and other information relevant to public health investigations that the Commissioner of Health conducts (i) pertaining to a serious public health threat; or (ii) to locate persons who may have been exposed to an agent which can seriously affect their health.

Except as otherwise provided in this subsection, a subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

A subpoena issued under this subsection shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. Except for investigations related to a public health emergency, as determined by the Commissioner[^] of Health, the date for examination or production shall not be less than seven days after service of the subpoena. The Commissioner of Health shall determine the date for examination or production for investigations related to a public health emergency on a case-by-case basis, considering, the need to preserve the public health and safety. For purposes of this subsection, the term "public health emergency" includes a threat to the public health or safety that is expected to occur within a reasonably short time, or that is present now, although the impact of the threat may not be felt until later.

No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the Commissioner[^] of Health, and shall specify the grounds for the objection. Except in cases of a public health emergency, for seven days after receipt of a timely objection to a subpoena, no action shall be taken to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period, the Commissioner of Health shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed. The seven-day period may be extended by the Commissioner of Health in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of response thereto. The

filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with or obstruction of an investigation.

No person shall willfully refuse to comply with a subpoena issued by the Commissioner of Health, or otherwise knowingly interfere with or obstruct an investigation conducted by the Commissioner, of Health. Any person who willfully violates this subsection shall be subject to a fine of not less than \$300.00 and not more than \$500.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code. Only the Corporation Counsel is authorized to initiate actions to enforce subpoenas issued pursuant to this subsection.

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Nothing in this section shall affect the right of the recipient of a subpoena issued pursuant to this subsection to seek judicial review in accordance with applicable, law.

Nothing provided in this subsection shall be construed to prohibit the Board of Health Commissioner from taking any action necessary to preserve the public health as provided in Section 2-112-440 under the Commissioner's rulemaking authority pursuant to Section 2-112-070.

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

(b) Environmental protection powers and duties:

(Omitted text is unaffected by this ordinance)

(2) To institute necessary proceedings to prosecute violations of Chapter 11-4, and all other provisions of this Code which the Commissioner of Health is expressly authorized to enforce, and otherwise to compel the prevention and abatement of the issuance of smoke or gases, solids or liquids or other matter causing air or water pollution, and nuisances arising therefrom;

(Omitted text is unaffected by this ordinance)

(6) To issue rules and regulations necessary or proper for the implementation of environmental ordinances and to accomplish the purposes of Chapter 11-4 pursuant to Section 2-112-070, and to publish a code of recommended practices under which Chapter 11-4 of this Code is to be administered[^] providing with clarity and in detail the necessary information by which the public is to be guided and to establish standards of quality; quality. The Commissioner shall not enact any rule, regulation or standard pursuant to this subsection until a public hearing is held on such rule, regulation or standard or until an opportunity for the public to submit their comments in written form is provided. The Commissioner shall give not less than ten (10) days' notice of the time and place of any hearing by publication in a newspaper of general circulation published within the City. In the event that written comments are solicited, public notice shall be given by mailing a notice of the solicitation.

(Omitted text is unaffected by this ordinance)

2-112-162 Rules of the Board of Health.

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All rules promulgated by the Board of Health relating to food establishments and Chapters 48, 7-38, 7-40 and 7-42 of this Code, in effect as of the effective date of this section, shall remain in effect until amended or repealed by the Commissioner of Health or the Board of Health.

~~2-112-165~~ 2-112-120 Transfer of rights, powers and duties.

The ~~commissioner~~ Commissioner and the department of health Department of Public Health shall assume all rights, powers, duties, obligations and responsibilities of the former commissioner and department of the environment related to permitting and enforcement including:

- a) All personnel, books, records, property and funds related to permitting and enforcement;
- b) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to permitting and enforcement; and
- c) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to permitting and enforcement.

All rules or regulations issued by the former commissioner of the environment relating to permitting and enforcement, in effect as of January 1, 2012, shall remain in effect until amended or repealed by the ~~commissioner of health~~ Commissioner of Public Health.

~~2-112-170~~ 2-112-130 Commissioner - Communicable disease control procedures.

The ~~commissioner of health~~ Commissioner may cause all persons reported to it as having, or suspected of having a communicable disease, to be examined, and may impose such restrictions upon, and exercise such supervision over such persons as shall be necessary to protect other persons. To aid in securing the isolation of a person having, or suspected of having, a communicable disease, the ~~board of health~~ Commissioner may cause a notice of the disease to be placed upon or near the house, apartment, or building in which the person is sick. No person shall deface, alter, conceal, mutilate, destroy, or tear down, any such notice without permission from the ~~board of health~~ Commissioner, and every occupant of the house, apartment, or building upon which, or near which, the notice is placed, shall be responsible for the removal of the notice. The ~~board of health~~ Commissioner may cause a person having, or suspected of having, a communicable disease to be removed to a hospital or other safe place. The ~~board of health~~ Commissioner may cause a person having or suspected of having, a communicable disease to be provided with suitable nurses and medical attention, at his such person's own expense if he such person is able to pay for the same, but if not, then at the expense of the City.

2-112-140 Immunization treatment and vaccination.

~~The department of health~~ Department shall keep on hand at all times, so far as is practical, a sufficient quantity of ~~antitoxin~~, antitoxins and vaccines and biological to permit the treatment or

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immunization of any person who may apply for treatment or immunization. No charge shall be made for treatment with antitoxin or by immunization and the ~~commissioner of health~~-Commissioner shall issue a certificate of immunization to any child who shall have been immunized and who shall require such a certificate for admission to a public or private school.

2-412-190 2-112-150 Compulsory vaccination limitations.

The ~~board of health~~ Commissioner shall not pass any ~~regulation~~ rule which will compel any person to submit to immunization or to any medication against his will or without his consent, or in the case of a minor or other person under disability, without the consent of his parent, guardian, or conservator, except when there shall be an epidemic of a disease, or an epidemic is or appears to be imminent, and such a rule or regulation is necessary to arrest the epidemic and safeguard the health of the City.

2-412-200 2-112-160 Disinfection of premises.

The ~~department of health~~ Department shall have power to cause any building or any premises to be cleansed, disinfected, or closed to visitors and prevent persons from entering thereto while any such building or premises contains any person having communicable disease. The ~~board of health~~ Commissioner may direct any nuisance to be abated, or unwholesome matter or substance to be removed from any building or premises, and may prescribe the time and mode of doing so, and take any other measures it may deem necessary and proper to prevent the spread of any communicable disease.

2-412-210 2-112-170 Power to order vacation of premises.

The ~~department of health~~ Department shall have the power and is hereby authorized to cause the vacation of buildings and/or premises where such buildings or premises, or any portion thereof, are found to be unfit for human habitation from any of the conditions deemed as health, safety[^] or environmental hazards.

2-412-220 2-112-180 Health and safety hazards - Investigation authority.

The ~~department of health~~ Department is hereby authorized to investigate all premises where business and/or manufacturing is carried out for the purpose of determining that such premises are free from health and safety hazards which might affect the health and safety of persons employed therein or of the general public who may enter such premises.

2-412-230 2-112-190 Health-related agreements with the Chicago Board of Education and other City of Chicago schools.

The ~~commissioner of health~~ Commissioner is authorized to negotiate and execute, with the Chicago Board of Education, intergovernmental agreements for the promotion and/or protection of public health. The ~~commissioner of health~~ Commissioner is also authorized to negotiate and execute, with the board of directors or governing body of any entity managing, controlling or operating any secular or non-secular elementary, middle or secondary school within the City, agreements for the provision, by or through the ~~department of health~~ Department, of dental and/or vision services to students at such schools. The ~~commissioner~~ Commissioner is authorized to perform any and all acts, including the expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto, and including provisions providing indemnification.

2-112-233 2-112-200 Health-related agreements authorized under the National and Community Services Trust Act.

The ~~Commissioner of Health~~ Commissioner is authorized to negotiate and execute agreements, with appropriate persons or entities, including, but not limited to, the Public Health Institute of Metropolitan Chicago, in connection with the implementation of programs authorized under the National and Community Services Trust Act of 1993, codified at 42 U.S.C. 12651, et seq. Such agreements shall contain terms and conditions that the ~~commissioner~~ Commissioner deems to be appropriate. The ~~commissioner~~ Commissioner is authorized to perform any and all acts, including the expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto, and including provisions providing indemnification. If, pursuant to any such agreement, the ~~Department of Health~~ will act as a host site for a national service volunteer, such agreement shall be subject to review and approval by the ~~inspector general~~ Inspector General, or the ~~inspector general's~~ Inspector General's designee, for compliance with the provisions of the City's hiring plan, as defined in subsection (a) of Section 2-56-035, and related policies and procedures.

2-112-235 2-112-210 Agreements for health screening and diagnostic services.

The ~~commissioner of health~~ Commissioner is authorized to negotiate and execute, with public or private entities, agreements to provide health screening and other diagnostic services for clients whose health care is being managed by the ~~department of health~~ Department, and to perform any and all acts, including the expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto, and including provisions providing indemnification.

2-112-240 2-112-220 Clinical health services agreements.

The ~~commissioner of health~~ Commissioner is authorized to negotiate and execute agreements with hospitals, community health centers and other health care providers for the provision of clinical services within a

connection with the implementation of such agreements, including any renewals thereto, and including provisions providing indemnification.

2-112-244 2-112-230 Tuberculosis clinical services.

The ~~commissioner of health~~ Commissioner is authorized to negotiate and execute agreements with the County of Cook for the provision of tuberculosis clinical services by the Cook County Health and Hospitals System. Such agreements shall contain terms and conditions as are customary in such agreements, including, but not limited to, provisions for indemnification. The commissioner is authorized to perform any and all acts, including the expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto.

2-112-250 2-112-240 Chronic disease detection and treatment programs.

The ~~department of health~~ Department is hereby authorized to establish suitable detection and treatment programs directed toward the control of chronic diseases, including cancer, heart disease and stroke, diabetes and such other chronic diseases as may hereinafter be deemed capable of control through public screening, diagnostic or treatment programs.

2-112-260 2-112-250 Emergency cardiopulmonary resuscitation - Liability limitations.

Any person who has successfully completed a course of training in cardiopulmonary resuscitation which has been approved by the ~~department of health~~ Department and who within the City of Chicago, provides emergency cardiopulmonary resuscitation, without fee, to a person who is an apparent victim of acute cardiopulmonary insufficiency, shall not, as a result of his acts or omissions in providing such resuscitation, be liable for civil damages. This section does not apply to acts or omissions amounting to wilful or willful and wanton misconduct in providing such resuscitation.

2-112-27-0 2-112-260 Contaminated food or beverage controls.

The Department of ~~Health~~ is authorized to investigate and to take such action as may be necessary to control the sale and/or distribution of any food, beverage or other product which is found to:

a) be contaminated with a pathogenic organism; or

b) contains chemical substances which are capable of causing acute or chronic disease and which are deemed to be a hazard to the public health; further, the Department of ~~Health~~ is authorized to take all steps necessary to protect the City from any hazard resulting from the presence of any radioactive substance in or near the City or of any dangerous or hazardous

boundaries of the City.

2-112-275 2-112-270 Illinois Swimming Pool and Bathing Beach Act.

a) The City of Chicago hereby elects to administer and enforce the Illinois Swimming Pool and Bathing Beach Act.

b) The provisions of the Illinois Swimming Pool and Bathing Beach Act, as well as all rules and regulations promulgated and amended from time to time by the Illinois Department of Public Health under authority of that Act, are hereby incorporated into this section and made a part hereof. However, unless the context requires otherwise, any reference in that Act or those rules and regulations to the Illinois Department of Public Health shall instead refer to the Department of Public Health of the City of Chicago[^] ~~department of health~~, and any reference in that Act to the Illinois Director of Public Health shall instead refer to the ~~commissioner of health~~ Commissioner of the Department of Public Health of the City of Chicago.

c) The ~~department of health~~ Department of Public Health of the City of Chicago shall take all actions necessary and proper to administer and enforce the Illinois Swimming Pool and Bathing Beach Act and all rules and regulations promulgated thereunder. The ~~department~~ Department shall impose and collect, on behalf of the city City, a license application fee, in the amount specified in Section 6 of the Act, for each application for license renewal; provided that an application submitted by a corporation organized under the General Not-For-Profit Corporation Act of 1986, or an application submitted by the United States, the State of Illinois, or any of their agencies or political subdivisions, shall be exempt from the fee.

d) Nothing in this section shall affect the requirement for a construction permit issued by the Illinois Department of Public Health under Section 5 of the Act, and nothing in this section shall affect the enforcement of violations of the Act by the State's Attorney or the Attorney General under Sections 21 and 22 of the Act.

e) If any other provision of this Code, or any provision of any other law, is inconsistent with any provision of the section, the provision of this section shall prevail.

f) The ~~city clerk~~ City Clerk shall furnish to the Illinois Department of Public Health a copy of this ordinance and the names and qualifications of city employees required by the Act.

2-112-280 Publication of health information.

The ~~department of health~~ Department is hereby authorized to publish such statistics and information concerning the work of the ~~board~~ and the ~~department~~ Department, or relating to the health of the community, or methods and means of preventing or curing disease, as it shall deem proper for publication. Such statistics as are published shall, as soon thereafter as is practicable, be sent to the ~~mayer~~ Mayor, to each alderman, and to such other persons as the ~~board~~ Commissioner shall deem advisable.

2-112-290 Records and forms.

It shall be the duty of the department of health Department to provide the necessary books for keeping a record of all transactions of said department the Department, and such statistical information necessary for the efficient working of said department the Department. The department Department shall also keep on hand all necessary forms for use by physicians and midwives and shall furnish them with such forms upon application.

2-112-300 Publication of health information.

j The department of health Department is hereby authorized and directed to collect fees and make charges, as indicated in this section for the following services:

Medical, Hospital and Related Services. Reasonable compensation based on actual cost, shall be charged and collected from any person who is received, cared for, or treated, and who is able to pay, for occupancy, nursing, care, medicine, laboratory services or attendance in connection with services at any facility maintained and provided by the department of health Department. Ability to pay shall include third-party payments through insurance or other sources of payment to which the person is entitled. These privileges shall be extended free of charge to residents of the City of Chicago, who are unable to pay for them.

Laboratory Examinations. The rates prevailing in local laboratories shall be charged and collected from neighboring municipal and county authorities for examinations and analyses made in the municipal laboratories.

Reinspections. Unless otherwise specifically provided in this Code, a fee of \$25.00 for the second and each subsequent inspection during a license period of any place, machinery, equipment, vehicle, process or article where necessary to assure compliance with this Code or the regulations of the board rules of the Department.

2-112-310 Impersonation of department Department personnel prohibited.

No person shall falsely assume or pretend to be an officer, inspector, or employee of the department of health Department. Nor shall any person not authorized by the department of health Department:

- a) Wear in public the uniform adopted and used by the board Department;
- b) Wear or use any badge, star or device adopted and used by the board Department;
- c) Produce or display any badge, star or device adopted and used by the board Department and thereby obtain free passage upon any public conveyance or commit by other fraudulent act by means thereof;

d) Counterfeit or imitate or cause to be counterfeited or imitated any badge, star or device adopted and used by the board Department;

e) Wear or use any badge, star or device similar in appearance to that adopted by the board

Department.

(Omitted text is unaffected by this ordinance)

2-112-340 Violation of rules and regulations orders.

Any person who shall violate any rule~~r~~ or order~~;~~ or sanitary regulation of the department of health or the board of health Department shall be fined not less than \$100.00 nor more than \$500.00 for each offense.

ARTICLE II. AMENDMENTS TO CHAPTER 2-120

SECTION 1. Chapter 2-120 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

ARTICLE IV. RESERVED BOARD OF HEALTH

2-120-130 Establishment and composition.

There is hereby established a Board of Health. The Board of Health shall consist of nine members, one of whom shall be the president of the Board of Health. The president of the Board of Health shall be a physician, duly licensed to practice medicine. The Mayor, with the approval of the City Council, shall appoint the president of the Board of Health and each of the other members of said Board pursuant to Section 2-120-160. The Board of Health shall include at least five members with professional or educational backgrounds in public health; at least one member who represents a federally qualified health center as defined in Section 1905(l)(2)(B) of the Social Security Act or successor statute; and at least one member who represents a hospital system. A member may satisfy more than one of these requirements.

The Board of Health shall include members that are diverse with respect to:

a) Professional and educational background, which may include but is not limited to behavioral health, chronic disease, environmental health, communicable disease, emergency preparedness, maternal and child health, and the social conditions that affect health risks and outcomes;

b) Expertise and skill, which may include but are not limited to communications, community engagement, strategic planning, and promoting health equity; and

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(c) Demographic category, including but not limited to race, ethnicity, socioeconomic background, gender, and geography.

The president of the Board of Health shall be paid the salary provided for in the annual appropriation ordinance. The other members of the Board or Health shall serve without compensation. >■

The members of the Board of Health shall be held harmless for any official act performed in accordance with and under the authority of this article.

2-120-140 Meetings and organization.

The Board of Health shall hold regular meetings at least once in each month, for which provision shall be made by the procedures of the Board of Health. Special meetings may be held upon call of the president of the Board of Health.

The president of the Board of Health shall preside at its meetings. Action of the Board of Health shall be governed by a majority vote of members present. A quorum of five members is required for any official action, whether or not there are vacancies in membership.

The president of the Board of Health shall have the power to delegate the authority of the president in anticipation of the president's absence from duty to another member of the Board of Health. If the president fails to so delegate, the Board of Health, by official action and record thereof, shall have power to delegate the authority of the president during the president's absence from duty to another member of the Board of Health. The person so designated shall have and exercise the authority of the president.

2-120-150 Powers and duties-It shall be the duty of the Board of Health to be well informed regarding all matters affecting the health of the citizens of Chicago. It shall advise, in a manner prescribed by the rules of the Board of Health, the Mayor and the Commissioner of Public Health on all issues affecting the health of the citizens of Chicago.

The Board of Health is authorized to adopt procedures for its meetings and to develop forms and protocols governing the issuance of findings and recommendations.

2-120-160 Terms of service-All appointments to the Board of Health existing on the effective date of this .Section 2-120-160 shall be vacated on April 30, 2021. Beginning May 1, 2021, the Mayor, with the approval of the City Council, shall appoint three members to the Board of Health for an initial term of one

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year, three members for an initial term of two years, and three members for an initial term of three years. All subsequent terms following the initial term, including new appointments, shall be for three years. At the conclusion of a term of service, members shall continue serving until either: (i) renewal or (ii) a new appointment is named.

The Mayor may remove a member at any time. Vacancies that occur due to resignation, mayoral removal, death, or other cause shall be filled on a rolling basis. Members appointed to fill vacancies shall serve for the remainder of the unexpired term.

SECTION 2. Section 2-120-780 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

2-120-780 Application for permit - Preliminary disapproval by commission.

If the commission finds that the proposed work will adversely affect or destroy any significant historical or architectural feature of the improvement or the district, or is inappropriate or inconsistent with the designation of the structure, area, or district, or is not in accordance with the spirit and purposes of this ordinance, or does not comply with the Standards for Rehabilitation established by the Secretary of the Interior, the commission shall issue a preliminary decision disapproving the application for permit; provided, however, that if the construction, reconstruction, alteration, repair[^] or demolition of any improvement is necessary to remedy conditions imminently dangerous to life, health or property, as determined in writing by the ~~department of buildings~~ Department of Buildings, or the ~~board of health~~ Department of Public Health, or the ~~fire department~~ Fire Department, the commission shall approve the work notwithstanding other considerations relating to its designation as a "Chicago Landmark" or to the fact that the commission has made a preliminary recommendation for landmark status.

SECTION 3. Section 2-120-825 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

2-120-825 Permits for demolition of landmarks - City council approval required.

(Omitted text is unaffected by this ordinance)

(c) This section shall not apply to permit applications for the demolition of: (i) any building or structure that is necessary to remedy conditions imminently dangerous to life, healthy or property, as determined in writing by the ~~department of buildings~~ Department of Buildings, the ~~board of health~~ Department of Public Health, or the ~~fire department~~ Fire Department; or (ii) auxiliary buildings or structures such as garages. Within 30 days of the commission's decision approving a permit application for a building or structure pursuant to subsection (c)(i) of this section, the commission shall forward to the ~~committee on zoning, landmarks and building standards of the city council~~ City Council Committee on Zoning, Landmarks and Building Standards a written report informing the committee of the commission's decision and stating the reasons for its decision.

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ARTICLE III. AMENDMENTS TO TITLE

4

SECTION 1. Section 4-4-005 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-4-005 Definitions.

As used in this Title 4, unless the context clearly indicates otherwise:

(Omitted text is unaffected by this ordinance)

"Commissioner" means the ~~commissioner of business affairs and consumer protection or~~ ' the ~~commissioner's designee~~ Commissioner of the Department of Business Affairs and Consumer Protection or his or her designee.

"Commissioner of ~~health~~ Public Health" means the ~~commissioner of health~~ Commissioner of the Department of Public Health of the City of Chicago or his or her designee.

(Omitted text is unaffected by this ordinance)

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

"Department of ~~health~~ Health" or "Department of Public Health means the ~~department of health~~ Department of Public Health of the City of Chicago.

"Fire ~~commissioner~~ Commissioner" means the ~~commissioner of the fire department~~ Commissioner of the Fire Department of the City of Chicago or the ~~commissioner's departmental designee~~ his or her designee.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-6-040 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-040 Laundry service.

(Omitted text is unaffected by this ordinance)

(e) Construction and design standards. Each licensee engaged in the business of; laundry service shall comply with the construction and design standards set forth in this subsection (e). All laundries licensed or required to be licensed under this chapter shall be:

(Omitted text is unaffected by this ordinance)

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(6) provided with sufficient and suitable lavatory facilities, including approved washbowls, washbasins or sinks that are supplied with hot-and-cold-running water, soap, clean individual towels and any other equipment deemed necessary by the ~~board of health~~ Commissioner of Public Health for the health and comfort of the laundry's employees or patrons

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-6-060 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-060 Tattooing, body piercing and tanning facilities. ,

(a) Definitions. As used in this section:

"Aseptic technique" means a practice that (i) prevents and hinders the transmission of disease-producing microorganisms from one person or place to another; and (ii) is approved as effective by the ~~board of health~~ Commissioner of Public Health.

(Omitted text is unaffected by this ordinance)

(e) *Penalty.*

(Omitted text is unaffected by this ordinance)

(2) Any person who violates subsection (c)(2), (c)(3) or (c)(4) of this section or any rule promulgated thereunder shall be subject to a fine of \$250.00 for each serious offense; and a fine of \$500.00 for each critical offense. Each day that a violation continues shall constitute a separate and distinct offense. The ~~board of health~~ Commissioner of Public Health shall promulgate rules classifying violations of subsections (c)(2), (c)(3)^ and (c)(4) of this section as serious or critical.

SECTION 4. Section 4-6-080 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-080 Adult family care center.

(Omitted text is unaffected by this ordinance)

(b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of adult family care center shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance)

(9) ~~any other information required by rules and regulations duly promulgated by the board of health~~ Commissioner of Public Health.

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(c) *Departmental duties - Inspections.*

(Omitted text is unaffected by this ordinance)

2) ~~The board of health of the commissioner of health, as applicable, Commissioner of Public Health shall notify the commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection ~~if such board or commissioner the Commissioner of Public Health orders an adult family center closed.~~ *(Omitted text is unaffected by this ordinance)*

(Omitted text is unaffected by this ordinance)

(e) Legal duties. Each licensee engaged in the business of adult family care center shall have a duty to:

(Omitted text is unaffected by this ordinance)

3) provide all residents of the center with the following: (i) room and board; (ii) assistance necessary to perform the activities of daily living; (iii) assistance necessary for the self-administration of medicine; (iv) supervision of residents; (v) social and leisure activities for residents; (vi) any service required to be provided in duly promulgated rules and regulations issued by the board of health or department of health Commissioner of Public Health for the health and well-being of residents; (vii) a private or semi-private room for each resident, with access to common areas; and (viii) on-site personnel, sufficient in numbers and training, to assist and supervise residents at all times that the center is operating;

(Omitted text is unaffected by this ordinance)

6) maintain a legally enforceable, written agreement with each resident of the center setting forth the term of occupancy and services to be provided to such resident, as well as any additional terms or conditions set forth in duly promulgated rules and regulations issued by the board of health, department of health Commissioner of Public Health or department of business affairs and consumer protection Commissioner of Business Affairs and Consumer Protection;

7) submit any reports to the board of health or department of health Department of Public Health as such board or department may from time to time require, as set forth in rules and regulations duly promulgated by such board or department the Commissioner of Public Health;

(Omitted text is unaffected by this ordinance)

(g) Enforcement - Rules. The board of health and department of health are Commissioner of Public Health is authorized to adopt and enforce reasonable rules and regulations relating to the operation and conduct of adult family care facilities. Such rules and regulations may include, but are not limited to, the following: (i) the terms and conditions of the written agreement required under subsection (e)(6) of this section; (ii) public health and safety issues; (iii) qualifications, training standards and responsibilities of licensees and staff; (iv) criteria and procedures for determining the appropriateness of a resident's placement and continued residency in an adult family care center; and (v) procedures for providing notice and assuring the least possible disruption of residents' lives when residents are relocated, or an adult family care center is closed, or the ownership of an adult family care center is transferred to another person.

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In addition, the board of health and department of health Commissioner of Public Health may adopt and enforce all existing and future laws and regulations adopted by the State of Illinois that relate to the operation of adult family care facilities to the extent that such regulation is permitted under the home rule powers of the city of Chicago.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 4-6-090 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-090 Assisted living establishment.

(Omitted text is unaffected by this ordinance)

b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of assisted living establishment shall be accompanied by the following information:

(6) any other information required by rules and regulations duly promulgated by the board of health or department of health Commissioner of Public Health.

c) *Departmental duties - Inspections.*

(Omitted text is unaffected by this ordinance)

(2) The board of health or commissioner of health, as applicable, Commissioner of Public Health shall notify the commissioner of business affairs and consumer protection Commissioner of Business Affairs and Consumer Protection if such board or commissioner the Commissioner of Public Health orders any assisted living establishment closed.

(Omitted text is unaffected by this ordinance)

(e) Legal duties. Each licensee engaged in the business of assisted living establishment shall have a duty to:

(Omitted text is unaffected by this ordinance)

(2) comply with any rules and regulations adopted by the board of health or department of health Commissioner of Public Health relating to the operation and conduct of any assisted living establishment licensed or required to be licensed under this chapter;

(Omitted text is unaffected by this ordinance)

(4) submit any reports to the board of health or department of health Department of Public Health as such board or department may from time to time require, as set forth in rules and regulations duly promulgated by such board or department the Commissioner of Public Health. All such reports shall be made on forms provided by the board or department,

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as applicable, Department of Public Health and shall be verified for truthfulness and accuracy and signed by the chief physician or administrator of such establishment.

(f) Enforcement - Rules. The board of health and department of health are Commissioner of Public Health is authorized to' adopt and enforce reasonable rules and regulations relating to the operation and conduct of assisted living establishments. Such rules and regulations (i) shall include all minimum requirements and standards for assisted living establishments set forth in the Assisted Living and Shared Housing Establishment Act and all rules and regulations applicable to assisted living establishments promulgated under such Act; and (ii) may include additional rules and regulations relating to the operation and conduct of assisted living establishments, including, but not limited to, rules and regulations to address public health and safety issues, to the extent that such additional rules and regulation are permitted under the home rule powers of the city.

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 4-6-100 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-100 Long-term care facility.

(Omitted text is unaffected by this ordinance)

b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of long-term care facility shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance)

~~(6) any other information required by rules and regulations duly promulgated by the board of health or department of health~~ Commissioner of Public Health.

c) *Departmental duties - Inspections.*

(Omitted text is unaffected by this ordinance)

(2) ~~The board of health or commissioner of health, as applicable,~~ Commissioner of Public Health shall notify the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection if ~~such board or commissioner~~ the Commissioner of Public Health orders any long-term care facility closed.

(Omitted text is unaffected by this ordinance)

(e) Legal duties. Each licensee engaged in the business of long-term care facility shall have a duty to:

(Omitted text is unaffected by this ordinance)

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(2) comply with all rules and regulations adopted by the ~~board of health or department of health~~ Commissioner of Public Health relating to the operation and conduct of any long-term care facility licensed or required to be licensed under this chapter:

(Omitted text is unaffected by this ordinance)

(4) submit any reports to the ~~board of health or department of health~~ Department of Public Health as such ~~board or department~~ may from time to time require, as set forth in rules and regulations duly promulgated by ~~such board or department~~ the Commissioner of Public Health. All such reports shall be made on forms provided by such ~~board or department~~, as applicable, and the truthfulness and accuracy of the contents thereof shall be verified and signed by the chief physician or administrator of such facility.

(f) Enforcement - Rules. The ~~board of health and department of health~~ are Commissioner of Public Health is authorized to adopt and enforce reasonable rules and regulations relating to the operation and conduct of long-term care facilities. Such rules and regulations shall include all minimum requirements and

standards set forth in the Nursing Home Care Act and all rules and regulations promulgated under such Act, and may include additional rules and regulations relating to the operation and conduct of such facilities, including, but not limited to, rules and regulations to address public, health and safety issues, to the extent that such additional rules and regulation are permitted under the home rule powers of the eity City.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 4-6-110 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-110 Adult family care home.

(Omitted text is unaffected by this ordinance)

b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of adult family care home shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance)

(6) any other information required by rules and regulations duly promulgated by the board of health or department of health Commissioner of Public Health.

c) *Departmental duties.*

(Omitted text is unaffected by this ordinance)

(2) The ~~board of health of commissioner of healthy as applicable,~~ Commissioner of Public Health shall notify the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection if ~~such board or commissioner~~ the Commissioner of Public Health orders any adult family care home closed.

(Omitted text is unaffected by this ordinance)

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e) Legal duties. Each licensee engaged in the business of adult family care home shall have a duty to:

(Omitted text is unaffected by this ordinance)

(2) comply with any rules and regulations adopted by the ~~board of health of department of health~~ Commissioner of Public Health relating to the operation and conduct of any adult family care home licensed or required to be licensed under this chapter;

(Omitted text is unaffected by this ordinance)

(4) submit any reports to the ~~board of health or department of health~~ Department of Public Health as such ~~board or department~~ may from time to time require, as set forth in rules and regulations duly promulgated by ~~such board or department~~ the Commissioner of Public Health. All such reports shall be made on forms provided by such ~~board or department~~, as applicable, and the truthfulness and accuracy of the contents thereof shall be. verified and signed by the chief physician or administrator of such adult family care

home.

f) Enforcement - Rules. The ~~board of health and department of health~~ are Commissioner of Public Health is authorized to adopt and enforce reasonable rules and ~~regulations~~ relating to the operation and conduct of adult family care homes. Such rules and ~~regulations~~ (i) shall include all minimum requirements and standards for shared housing establishments set forth in the Assisted Living and Shared Housing Establishment Act and all rules and regulations applicable to shared housing establishments promulgated under such Act" and (ii) may include additional rules and ~~regulations~~ relating to the operation and conduct of adult family care homes, including, but not limited to, rules and ~~regulations~~ to address public health and safety issues, to the extent that such additional rules and ~~regulations~~ are permitted under the home rule powers of the City.

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 4-6-170 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-170 Hospitals.

(Omitted text is unaffected by this ordinance)

(b) Application - Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of hospital shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance)

(3) any other information that may be required by the department or in rules and ~~regulations~~ promulgated by the ~~board of health~~ Commissioner of Public Health.

(Omitted text is unaffected by this ordinance)

(d) *Departmental duties - Inspections.*

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(1) The president of the ~~board of health~~ may convene, at his or her discretion, a health facilities review board. Such board shall be composed of the president of the board of health, the commissioner of the department of planning and development, and other individuals who may be appointed at the discretion of the president of the board of health. The ~~board~~ Board of Health may make recommendations to the city council City Council relating to the construction of new hospital buildings, proposed closings of hospitals, and alterations to buildings now being used as hospitals.

(Omitted text is unaffected by this ordinance) (e) Legal duties. Each licensee

engaged in the business of hospital shall have a duty to:

(Omitted text is unaffected by this ordinance)

(4) Upon reporting a rape, an attempted rape or other felonious sex crime to the police, take the following actions:

(a) The victim shall be taken to the nearest hospital designated for the comprehensive emergency treatment of patients as defined in the Illinois Hospital Licensing Act and approved by the ~~board of health~~ Commissioner of Public Health;

(Omitted text is unaffected by this ordinance)

(h) With the victim's written consent, a copy of the prescribed form will be furnished to the appropriate investigating police officer, the State's Attorney, and the venereal disease section of the ~~Chicago Board of Health~~ Department of Public Health when appropriate. Within seven days the form will be typewritten, signed by the examining medical professional and furnished upon request to the aforementioned agencies;

(Omitted text is unaffected by this ordinance)

(g) Regulations Rules.

1) Pursuant to Section 2 ~~112 100~~ of the ~~Code~~ 2-112-070, the ~~board of health~~ Commissioner of Public Health may adopt and enforce rules and regulations relating to the operation and conduct of hospitals licensed under this chapter. Pursuant to Section ~~2-112-160~~ of the ~~Code~~ 2-112-110, the ~~board of health~~ Commissioner of Public Health shall enforce all rules relating to the operation of hospitals promulgated by any federal, state, or local authority with the power to make such rules.

2) The ~~board of health~~ Commissioner of Public Health shall adopt and publish rules and regulations regarding facilities rendering care and services in maternity, perinatal and neonatal cases. Such rules and regulations shall comply with all applicable State of Illinois laws and rules and regulations regarding maternity care, and with the guidelines established by the American Academy of Obstetricians and Gynecologists (A.A.O.G.) for perinatal care.

3) The ~~board of health~~ Commissioner of Public Health shall adopt and publish rules and regulations regarding the reporting of trauma care cases to the ~~department of health~~-Department of Public Health.

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SECTION 9. Section 4-6-290 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-290 Bed-and-breakfast establishment.

(Omitted text is unaffected by this ordinance)

(j) Regulations Rules. The ~~commissioner~~ Commissioner of Business Affairs and Consumer Protection shall have the authority to promulgate rules and regulations necessary to implement the requirements of this section. The ~~board of health and the department of health~~ Commissioner of Public Health shall have the authority to issue rules and regulations necessary to implement subsection (f)(6) of this section and the minimal standards found in subsections (f)(3) and (f)(4) of this section.

SECTION 10. Section 4-6-300 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-6-300 Vacation rentals.

(Omitted text is unaffected by this ordinance)

- e) *Departmental duties - Inspections.*

(Omitted text is unaffected by this ordinance)

(2) If the licensee provides food to his guests in the vacation rental, the ~~board of health~~ Department of Public Health may inspect the vacation rental in accordance with rules promulgated by the ~~board of health~~ Commissioner of Public Health.

- f) *Legal duties.*

(Omitted text is unaffected by this ordinance)

(9) Food handling safety - Required. If the licensee provides food to guests, such licensee shall have a duty to comply with all applicable food handling and licensing requirements of this Code and ~~board of health regulations~~ Department of Public Health rules.

(Omitted text is unaffected by this ordinance)

SECTION 11. Section 4-12-010 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-12-010 Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

"Approved food-processing establishment" means an establishment acceptable to the City of Chicago Board of Health Commissioner of Public Health, or the Commissioner of Public

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Health's authorized representative, based on the Commissioner of Public Health's determinations of conformance with the appropriate standards and good health practices.

(Omitted text is unaffected by this ordinance)

SECTION 12. Section 4-14-040 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-14-040 Legal duties.

(Omitted text is unaffected by this ordinance)

(b) Operating requirements. Each shared housing host shall comply with the following operating requirements:

(Omitted text is unaffected by this ordinance)

(7) Food handling safety - Required. Each shared housing host that provides food to guests shall comply with all applicable food handling and licensing requirements of this Code and ~~board of health regulations~~ Department of Public Health rules.

SECTION 13. Section 4-60-074 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-60-074 Riverwalk Venue liquor licenses - Special conditions.

(a) In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner may issue consumption on premises - incidental activity licenses authorizing the sale or service of alcoholic liquor at Chicago Riverwalk venues in accordance with this section. Such consumption on premises - incidental activity license shall be known as a Riverwalk Venue liquor license, and any person holding such a license shall be known as a Riverwalk Venue liquor licensee. Provided, however, that no Riverwalk Venue liquor license shall be issued under this section unless: (1) the applicant holds a valid retail food establishment license and a valid retail consumption on premises liquor license at another location within the city; or (2) if the applicant does not hold a valid retail food establishment license and a valid retail consumption on premises liquor license at another location within the city, the location identified in the liquor license application has adequate plumbing facilities within the meaning of Section 7-38-030 and otherwise complies with all requirements of this Code applicable to retail food establishments under Article I of Chapter 7-38 of this Code, including all rules promulgated thereunder by the ~~board of health~~ Commissioner of Public Health.

(Omitted text is unaffected by this ordinance)

(h) No Riverwalk Venue liquor licensee shall sell or offer for sale any food other than prepackaged and non-perishable foods as defined in Section 4-8-010, unless: (1) such food is prepared at a venue holding a valid retail food establishment license under Chapter 4-8 and the venue at which such food is prepared meets the requirements of Article I of Chapter 7-28 of this Code, including all rules promulgated thereunder by the ~~board of health~~ Commissioner of Public

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Health; or (2) the location identified in the liquor license application has adequate plumbing facilities within the meaning of Section 7-38-030 and otherwise complies with all requirements of this Code applicable to retail food establishments under Article I of Chapter 7-38 of this Code, including all rules promulgated thereunder by the ~~board of health~~ Commissioner of Public Health. Foods prepared at a venue meeting the requirements of item (1) of this subsection may be refrigerated or heated, as applicable, and sold or offered for sale at a venue licensed under this section, if the applicable food handling and sanitation requirements set forth in Sections 7-38-005 through 7-38-025 are met. In addition, unless a Riverwalk Venue liquor licensee has a valid retail food establishment license for a Riverwalk Venue, no Riverwalk Venue licensee shall sell or offer for sale any food at a Chicago Riverwalk Venue without obtaining a multiple special events food license and, otherwise complying with Section 4-8-040 and all applicable rules.

(Omitted text is unaffected by this ordinance)

SECTION 14. Section 4-60-181 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-60-181 Revocation order not stayed by appeal.

An order of the liquor control commissioner revoking a city license under this chapter shall take immediate effect if the liquor control commissioner finds that any of the following circumstances are present: (a) the revocation is for violation of any federal or state law or city ordinance regulating the sale, use or possession of firearms; or (b) the revocation is for violation of any federal or state law or city ordinance regulating the sale, use or possession of narcotics or other controlled substances as defined in the Illinois Criminal Code; or (c) the revocation is for violation of any federal or state law or city ordinance relating to prostitution; or (d) the revocation is for sale of alcoholic liquor to a minor, and the licensee was disciplined for three or more similar sales, occurring in separate incidents, within the prior three years; or (e) the revocation is for violations of this Code or the rules and regulations of the City of Chicago Board of Health Department of Public Health related to health and sanitation in a food establishment; or (f) the revocation is ordered pursuant to Section 4-4-313 because the premises caused a public nuisance; or (g) if the revocation is of a late-hour privilege, the revocation is for the failure to implement or maintain an adequate exterior safety plan, or for any violation of any law or ordinance that the liquor control commissioner determines warrants immediate revocation of that privilege; or (h) the revocation is for a violation of subsection (k) of Section 4-60-140. For purposes of subsection (d) of this section, "discipline" means revocation, suspension, a voluntary closing in lieu of suspension, or imposition of a fine. In the event that a revocation order contains a finding described in this section, the effect of the revocation shall not be stayed pending an appeal by the licensee to the License Appeal Commission under the Liquor Control Act.

SECTION 15. Section 4-64-220 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-64-220 Departmental duties - Inspections, investigations, reports and other responsibilities.

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(a) Periodic inspections by the Board of Health Department of Public Health -Authorized. The Board of Health Commissioner of Public Health is hereby authorized to inspect and examine, from time to time, all places within the City that are licensed or required to be licensed under this Chapter to sell tobacco, snuff, cigars, or cigarettes. Such inspection shall be conducted with a view toward determining whether the licensee is in compliance with the applicable provisions of this Code and of the laws of the State of Illinois pertaining to: (i) the sale of tobacco, snuff, cigars, or cigarettes, and (ii) the adulteration of, and handling and sale of, such commodities. The Board of Health Commissioner of Public Health shall rigorously enforce all such provisions and laws. If, pursuant to Section 4-64-300, the Board of Health Commissioner of Public Health requests a licensee to furnish the Board Department of Public Health with samples of cigarettes or tobacco products for analysis by or under the direction of the Board Commissioner of Public Health, the Board of Health Department of Public Health shall make and keep in its office a record of such analysis for inspection by the public.

(Omitted text is unaffected by this ordinance)

SECTION 16. Section 4-64-300 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-64-300 Furnishing inspection samples to the ~~Board of Health~~ Department of Public Health - Required when.

Upon demand by the ~~Board of Health~~ Commissioner of Public Health, all licensees under this Chapter shall furnish to the ~~Board of Health~~ Department of Public Health, for inspection and analysis by or under the direction of such ~~Board~~ Commissioner, samples of all cigarettes or tobacco products sold or offered for sale by the licensee.

SECTION 17. Section 4-68-040 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-68-040 Maintenance - Change of ownership.

Each ambulance shall, at all times when in use as such, be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises and contain equipment conforming with the standards, requirements and regulations provided for herein. Said equipment shall be in proper and good condition for such use and comply with all applicable laws and local ordinances relating to health, sanitation and safety and be equipped with such lights, sirens and special markings to designate it as an ambulance, as may be prescribed in regulations rules promulgated by the ~~commissioner~~ Commissioner of the City of Chicago department of business affairs and consumer protection Business Affairs and Consumer Protection, the City of Chicago board of health Commissioner of Public Health, and federal and State of Illinois laws and any other applicable provisions of this Code.

It shall be the duty of every company licensed under this chapter to notify the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection whenever any change in its address is made, either business or residence. Any notice required to be given to a licensee shall be sufficient if addressed to the last address recorded in the office of the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection.

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Any change of ownership of a licensed company shall terminate the ambulance-operating license and shall require a new application and a new license, and conformance with all the requirements of this chapter as upon original licensing.

SECTION 18. Section 4-75-030 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-75-030 License - Application.

(a) In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a license to engage in the business of children's services facility shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance)

(2) whether the facility is a day care center, and if so, (i) the total number of children to be cared for; (ii) the number of children under two years of age to be cared for; (iii) the number of children two to six years of age to be cared for; and (iv) the number of employees, and information related to their experience and training as deemed necessary by the ~~board of health~~ Commissioner of Public Health;

(Omitted text is unaffected by this ordinance)

SECTION 19. Section 4-75-130 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-75-130 License - Application.

If the children's service facility is a day care center, the licensee of such facility shall also have a duty to:

(Omitted text is unaffected by this ordinance)

(3) comply with all applicable rules, regulations and minimum standards for licensed day care centers promulgated by the ~~board of health~~ Commissioner of Public Health or State of Illinois;

(Omitted text is unaffected by this ordinance)

SECTION 20. Section 4-75-210 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-75-210 Regulations Rules.

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The ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection and the ~~board of health~~ Commissioner of Public Health are authorized to promulgate rules and regulations necessary to implement the requirements of this chapter.

SECTION 21. Section 4-152-050 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-152-050 Regulation of food products.

The ~~board of health~~ Department of Public Health shall have the same control over all food and food products intended for human consumption sold or offered for sale in any wholesale drug, chemical or paint store, when such food or food products are handled therein, as is given to it by this Code in the case of similar products handled in any other kind of store, shop, factory, or establishment where the principal business is handling such food or food products.

SECTION 22. Section 4-223-013 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-224-013 Operation at night restricted.

No machine shop shall be operated in the nighttime between the hours of 8:00 p.m. and 6:00 a.m. in

any block in which a majority of the buildings on both sides of the street are used exclusively for residential purposes, or within 100 feet of such block, and it shall be within the power of the ~~board of health~~ Department of Public Health, after reasonable notice, to treat such night operation as a public nuisance and to abate the same.

SECTION 23. Section 4-360-010 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-360-010 Definitions.

Whenever used in this chapter the following words and phrases shall have the following meanings'.

a) "Commissioner" means the ~~commissioner of business affairs and consumer protection~~ Commissioner of the Department of Business Affairs and Consumer Protection of the City of Chicago.

b) "~~Department of business affairs and consumer protection~~ Business Affairs and Consumer Protection" means the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection of the City of Chicago.

c) "~~Board of health~~ Health" means the ~~board of health~~ Board of Health of the City of Chicago.

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(d) "~~Department of health~~ Public Health" means the ~~department of health~~ Department of Public Health of the City of Chicago.

(e) "~~Commissioner of health~~ Public Health" means the ~~commissioner of health~~ Commissioner of the Department of Public Health of the City of Chicago.

(Omitted text is unaffected by this ordinance)

SECTION 24. Section 4-360-050 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-360-050 License - Application - Contents.

Application for a license shall be made in writing on a form provided by the ~~commissioner~~ Commissioner, and signed under oath by the applicant. If the applicant is a corporation, a duly authorized agent shall sign the application. The application shall contain the following information:

(Omitted text is unaffected by this ordinance)

(d) The name and address of at least one individual possessing a valid certificate of registration in food handling, issued by the ~~board of health~~ Department of Public Health, who will supervise the sale of food by the applicant;

(Omitted text is unaffected by this ordinance)

(f) Any such other information as may be required by the ~~commissioner~~ Commissioner.

SECTION 25. Section 4-360-110 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-360-110 Applicability of ~~code~~ Code - Inspection.

All licensees and their employees shall be subject to and comply with all applicable requirements and standards for dispensing and purveying food contained in Chapter 4-8 of this Municipal Code, as amended, and the rules and regulations promulgated thereunder. The ~~board of health~~ Commissioner of Public Health shall implement this section by rules and regulations and may issue additional rules and regulations governing the sanitary practices of Navy Pier vendors. All food held, offered for sale or sold by licensees shall be subject to and comply with all applicable requirements for such food of {his Municipal Code and the rules and regulati
ons promulgated hereunder

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SECTION 26. Section 4-364-020 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-364-020 Inspections required.

Every warehouse or furniture warehouse operated or maintained in the eity City shall be inspected under and by authority of the ~~fire commissioner~~ Fire Commissioner at least once every year. Such inspection shall be made for the purpose of determining whether or not such warehouses comply with all of the laws of the State and the provisions of this Code relating to fire prevention and public safety in case of fire, and for the purpose of determining if such establishments are so dangerous as to constitute a nuisance or to be a menace to the safety of the public or to adjoining property.

The ~~board of health~~ Department of Public Health shall make such inspections of warehouses as it deems necessary for the purpose of determining the sanitary condition of all such establishments where foods are stored or handled, and also for the purpose of determining if proper and adequate toilet facilities are provided for employees and for the public wherever necessary, and whether or not all of the laws of the state and the provisions of this Code relating to health and sanitation applying to such establishments have been complied with. The ~~board of health~~ Department of Public Health shall make further inspections of furniture warehouses to determine whether such establishments and the furniture and household goods stored therein are kept free from vermin, and if any of the goods or articles are contaminated with or have been exposed to contamination with, or are harboring any germs of, tuberculosis, or of any disease of a contagious or infectious nature.

SECTION 27. Section 4-388-080 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

4-388-080 Applicability of eode Code - Dispensing and purveying food.

All special club licensees, their employees and any City of Chicago licensed catering companies, acting as agents for the special club licensee shall be subject to and comply with all applicable requirements, standards and inspection procedures relating to dispensing and purveying food contained in this Municipal Code, including Chapters 4-8, 7-38, 7-40 and 7-42, as amended, and the rules and regulations promulgated thereunder. The ~~board of health~~ Commissioner of Public Health shall implement this section by rules and regulations and may issue additional rules and regulations governing the sanitary practices of special club licensees. All food held, offered for consumption or sold by special club licensees shall be subject to and comply with all applicable requirements for such food of this Municipal Code and the rules and regulations promulgated hereunder.

ARTICLE IV. AMENDMENTS TO TITLE 7

SECTION 1. Section 7-20-010 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

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7-20-010 Contagious, epidemic, or communicable disease defined.

~~The term "contagious~~ "Contagious, epidemic, or communicable disease" is hereby defined to mean means any of the following: cholera, yellow fever, diphtheria, scarlet fever, typhus, typhoid fever, small pox, varioloid, puerperal fever, membranous, croup, measles, whooping cough, tuberculosis, influenza, pneumonia, cerebrospinal fever, septic sore throat, syphilis, gonorrhea, chancroid, or any grades of these diseases, and any other disease designated by the ~~board of health~~ Commissioner of Public Health as contagious, epidemic, or communicable.

SECTION 2. Section 7-20-020 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-20-020 Report of contagious or epidemic disease.

Any physician or any manager, superintendent, or other person in charge or control of any public or private institution, hotel, boardinghouse, lodging house, hospital, or dispensary, or any other person who shall discover, prescribe for, treat, care for, attend, or learn of any person within the city or upon a vessel in the harbor having, or suspected of having, a contagious, epidemic, or communicable disease, excepting syphilis, gonorrhea, and chancroid, within 24 hours after first discovering or learning of the existence or suspected existence of the disease, shall report the facts in writing to the ~~board of health~~ Department of Public Health, giving the name, if known, and the place of residence or the location of said person having, or suspected of having, the disease, and the character and state of the disease.

Any such person shall report syphilis, gonorrhea, and chancroid to the ~~board of health~~ Department of Public Health on a card supplied by the ~~board of health~~ Department of Public Health, which card shall state the age, sex, color, marital condition, and occupation of the diseased person, the nature and previous duration of the disease, the probable origin, and whether the diseased person has been given a circular of information

and advice, furnished by the board of health, concerning venereal diseases. Said card shall be mailed to the ~~board of health~~ Department of Public Health within three days after the discovery of the disease. Except as hereinafter provided, the name and address of a person having syphilis, gonorrhea, or chancroid shall not be reported to the ~~board of health~~ Department of Public Health. All information and reports concerning persons having syphilis, gonorrhea, or chancroid shall be confidential and shall be inaccessible to the public except in so far as publicity may attend the performance of the duty imposed upon the ~~board of health~~ Department of Public Health to protect other persons from infection.

SECTION 3. Section 7-20-030 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-20-030 Change of physician in venereal disease treatment.

When a person applies to a physician or other person for treatment of a venereal disease, it shall be the duty of the physician or person consulted to inquire of, and ascertain from the person seeking treatment whether such person has theretofore consulted with, or been treated by, any other physicians or persons, and if so to ascertain the name and address of the physician or

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person last theretofore consulted. It shall be the duty of the applicant for treatment to furnish this information, and a refusal to do so, or falsification of the name and address of such physician or person consulted, shall be deemed a violation of the provisions of this chapter. It shall be the duty of the physician or person consulted, where the applicant has theretofore received treatment, to notify immediately by mail the physician or person last theretofore treating such applicant of the change of adviser, such notification to be made upon a form furnished for that purpose by the ~~board of health~~ Department of Public Health. Should the physician or person previously consulted fail to receive such notice within ten days after the last appearance of such venereally diseased person it shall be the duty of such physician to report to the ~~board of health~~ Department of Public Health the name and address of such venereally diseased person.

SECTION 4. Section 7-20-040 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-20-040 Information to venereally diseased person.

It shall be the duty of every physician or other person who treats a person infected with syphilis, gonorrhea, or chancroid to give to such person at the first examination a circular of information and advice furnished by the ~~board of health~~ Department of Public Health concerning venereal diseases and a copy of those sections of this chapter dealing with venereal disease, and to report thereafter to the ~~board of health~~ Department of Public Health that such diseased person has received the two documents herein specified.

SECTION 5. Section 7-20-060 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-20-060 Report of sick or neglected person.

Any person who has reason to regard any individual in the City or upon any vessel in the harbor as neglected or not properly cared for, and every physician who hears of any such sick person and has reason to believe such person requires the attention of the ~~board of health~~ Department of Public Health shall at once

report the facts to the ~~board of health~~ Department of Public Health regarding the disease, condition, dwelling place, and position of such sick person.

SECTION 6. Section 7-20-130 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-20-130 Violation - Penalty.

Any person that shall violate any of the provisions of this chapter for which no specific penalty is provided, or that shall resist or cause resistance to be made against the entry of any officer of the ~~board of health~~

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Department of Public Health from exercising the power conferred upon him by this chapter, shall be fined not less than \$10.00 nor more than \$200.00 for each offense.

SECTION 7. Section 7-28-530 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-28-530 Construction of vaults.

No vault, privy, catchbasin, cistern, or cesspool shall be constructed or rebuilt in the City except in accordance with this Code and the ~~regulations~~ rules of the ~~board of health~~ Department of Public Health. The general privy accommodations of any place of human habitation shall not be permitted within any such place of habitation or under any sidewalk adjacent thereto. All cesspools shall be watertight.

SECTION 8. Section 7-28-610 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-28-610 Workmen's temporary closets.

It shall be unlawful for any person to begin the construction, alteration, or repair of any building, or of any public or private works without having provided proper and sufficient toilet facilities, consisting of water closets, chemical closets, or privies of a type to be approved by the ~~board of health~~ Department of Public Health for the use of employees engaged in the construction, alteration or repair of such building, or of such public or private works.

There shall be at least one such water closet, chemical closet, or privy for every 30 employees or fraction thereof. Such toilet facilities in due proportion shall be provided on at least every fifth floor of a building.

It shall be unlawful to install such water closets, chemical closets[^] or privies without first having obtained a permit therefor from the ~~department of buildings~~ Department of Buildings pursuant to standards set by the ~~board of health~~ Department of Public Health, and the same shall be installed and maintained in accordance with the provisions and specifications of such permit.

SECTION 9. Section 7-44-010 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-44-010 Definitions.

For purposes of this chapter:

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"Extermination by fumigation" means the use of hydrocyanic acid gas, cyanogen, chloropicrin, methyl bromide[^] or any other poisonous, noxious, or dangerous gases or fumes specified by the ~~board of health~~ Commissioner of Public Health as liable to affect human beings by causing severe sickness or death, for the extermination by fumigation of household insects, vermin, rats or other household pests in any place in the City of Chicago; provided, however, that it shall not apply to the fumigation of greenhouses, grain elevators or cereal or tobacco warehouses.

"Exterminator" means any person who engages in the business of extermination by fumigation.

"Fire ~~commissioner~~ Commissioner" means the ~~commissioner of the fire department~~ Commissioner of the Fire Department of the City of Chicago or the ~~commissioner's~~ Commissioner's departmental designee.

SECTION 10. Section 7-44-040 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-44-040 Permit - Required.

It shall be the duty of every exterminator, intending to generate or release hydrocyanic acid gas or other dangerous gases or fumes for fumigation purposes, before starting such generation or release, to file written notice with the ~~commissioner of buildings~~ Commissioner of Buildings, giving the location of the building or enclosed space to be fumigated, and to secure from the ~~commissioner of buildings~~ Commissioner of Buildings a permit, which shall state the day and hour when the work will be performed. Each application for such permit shall be accompanied by a fee of \$2.00. Such permit shall be kept on the premises to be fumigated. The time of the permit may be extended if the applicant is unable to perform the work on the hour and day set forth in the permit, and so notifies the ~~commissioner of buildings~~ Commissioner of Buildings 16 hours prior to the time set forth in the permit.

Provided that every fumigation of plants, factories, warehouses, box cars, vehicles, specially constructed vault[^] or any other place where candy or other foodstuffs are manufactured, sold, stored, transported[^] or handled shall be done in strict compliance with the rules and regulations of the ~~board of health~~ Department of Public Health, and further provided, that a permit for each such fumigation shall be obtained by the fumigator from the ~~department of health~~ Commissioner of Public Health.

Provided, however, that a ship or vessel may be fumigated without previously securing from the ~~commi~~

~~ssioner of buildings~~ Commissioner of Buildings a permit so to do, if every person, except the watchman, shall leave the vessel for the period of fumigation and the vessel shall be fended off from shore so that no person may board the vessel without the knowledge of the watchman; and provided, further, that where furniture is removed from places of domestic habitation and fumigated in specially constructed vaults, and where furs or clothing is fumigated in specially constructed vaults, a permit for each such fumigation shall not be required, but in lieu thereof, an annual permit shall be secured from the ~~commissioner of buildings~~ Commissioner of Buildings after he has investigated and satisfied himself that the proper safeguards for health and life are provided.

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SECTION 11. Section 7-44-130 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-44-130 Food products - Special safety measures.

Before fumigation, the exterminator shall see that all ice, food[^] and drink are removed from the rooms ordered vacated; except that such food or drink as is in sealed airtight containers need not be removed. Provided, that in industrial fumigations such as flour mills, cereal mills, food warehouses, macaroni plants, candy manufacturing plants, cheese-processing plants, etc., where fumigation is for the purpose of destroying vermin or insect pests infesting these foodstuffs, only liquid fats, oils[^] and moist foodstuffs not sealed in airtight containers need be removed. The exterminator shall state in the application for permit to fumigate foodstuffs the amount of moisture content of the various foods it wishes to fumigate. No fumigated food shall be sold or shipped until it has been aerated by every reasonable means, including the use of fans wherever indicated, for a period not less than 36 hours following fumigation and suitable tests approved by the ~~board of health~~ Commissioner of Public Health of the air immediately around it are negative for the fumigant used.

SECTION 12. Section 7-44-140 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

7-44-140 Fires - Safety measures.

All fires within the premises under gas shall be put out whenever a flammable gas is used. For the purpose of this chapter, the ~~board of health~~ Commissioner of Public Health shall designate upon request whether the gas to be used shall be regarded as flammable or nonflammable. The exterminator shall notify the

**ARTICLE V.
MISCELLANEOUS CONFORMING AMENDMENTS**

SECTION 1. Section 2-60-020 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

2-60-020 Corporation counsel - Appointment - Powers and duties.

There is hereby created the office of corporation counsel. He shall be appointed by the mayor, by and with the advice and consent of the city council, and shall be the head of the department of law of the city.

The corporation counsel shall perform the following duties:

(Omitted text is unaffected by this ordinance)

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(d) Appear for and defend any member, officer, or employee of the ~~board~~ department of health, police department or fire department who is sued personally for damages claimed in consequence of any act or omission or neglect of his official duties or in consequence of any act under color of authority or in consequence of any alleged negligence while engaged in the performance of such duties;

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-152-300 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

2-152-300 Operation expenses - Annual estimates.

The head of every department, board, or other agency of the city government shall prepare and submit to the ~~comptroller~~ Comptroller, on or before the first day of November in each year, an estimate of the whole cost and expense of providing for and maintaining his or her office during the ensuing fiscal year, which estimate shall be in detail and shall be laid before the city council City Council by said ~~comptroller~~ the Comptroller with his the Comptroller's annual estimates. The ~~board of health~~ Department of Public Health and the ~~department of buildings~~ Department of Buildings shall also submit to the ~~comptroller~~ Comptroller at said time a statement of all expenditures from appropriations for the maintenance of said ~~board or~~ department.

SECTION 3. Section 3-8-030 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

3-8-030 Board of trustees.

A board composed of four members shall constitute a board of trustees authorized to carry out the following provisions dealing with the policemen's and firemen's death benefit fund, and shall be charged with the duty of administering that fund. The said board shall consist of the ~~chairman of the committee on finance~~ Chairman of the Committee on Finance, the ~~superintendent of police~~ Superintendent of Police, the ~~fire commissioner~~ and the president of the ~~board of health~~ Fire Commissioner, or if there be no such ~~commissioners~~ superintendent or president commissioner, then the acting head of the ~~police department~~ Police Department or the ~~fire department~~ or the ~~board of health~~ Fire Department, as the case may be. The board shall be known by the name and title of "Board of Trustees of the Policemen's and Firemen's Death Benefit Fund".

SECTION 4. Section 3-8-060 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

3-8-060 Issuance of voucher.

Said board of trustees shall submit to the ~~comptroller~~ Comptroller a report of its findings[^] ~~(including a certificate of the president of the board of health)~~, stating that such death was the result of injury received in the performance of duty, in all cases where such is the determination of the board, naming the trustee bank and attaching a copy of the agreement made by it with the

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trustee bank so named; and the ~~comptroller~~ Comptroller upon receipt of said report shall act in lieu of the city clerk City Clerk and issue the proper voucher, as contemplated by law, from appropriations made by the city council City Council.

SECTION 5. Section 9-124-030 of the Municipal Code of Chicago is hereby amended by inserting the text underscored, and by deleting the text struck through, as follows:

9-124-030 Comfort and safety of passengers.

No person owning, leasing[^] or operating any street railroad cars, elevated railroad cars[^] or other railroad cars, which run from point to point within the city City, either on elevated, surface[^] or subway lines, shall permit any car to be used or operated on any of the public ways of said city City or on any part of the right-of-way of said person unless the following conditions are complied with:

(Omitted text is unaffected by this ordinance)

(k) There shall be securely posted in each car, where it may be conveniently read by the passengers, a copy of the above regulations of this section.

The ~~board of health~~ Commissioner of Public Health shall detail employees from the ~~saM~~ board the Department of Public Health to make the investigation necessary to determine whether or not the sanitary provisions of this section are being complied with, and the ~~said board~~ Department of Public Health shall report the result of such investigation to the ~~corporation counsel~~ Corporation Counsel. The ~~council committee on local transportation~~ Committee on Transportation and Public Way may secure information necessary to determine whether or not all other provisions of this section are being complied with and to cooperate with the ~~corporation counsel~~ Corporation Counsel in securing the evidence necessary to the prosecution of violations of this section.

Any person guilty of violating any of the provisions of this section shall be fined not less than \$25.00 nor more than \$100.00 for each car operated in violation of this section, and each day of the operation of such car shall be considered a separate offense.

ARTICLE VI. EFFECTIVE DATE

SECTION 1. This ordinance shall be effective upon passage and approval.

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