SUBSTITUTE ORDINANCE

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

SECTION 1. Chapter 2-36 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-36-305, as follows:

2-36-305 Fire code violations at Chicago's airports.

Notwithstanding any provision in this Code to the contrary, if it is determined that any fire regulation of this Code is being violated at Chicago O'Hare International Airport or Chicago Midway International Airport, the fire commissioner or the commissioner's designee may enforce the Fire Code by: (1) issuing a citation for such violation in conformity with this section; or (2) referring such violation to the corporation counsel for prosecution or other legal action as provided for in Sections 2-36-290, 2-36-300 or 2-36-310, as applicable. The recipient of any citation issued pursuant to item (1) of this section shall be provided with notice, and with an opportunity to be heard at.an administrative adjudication proceeding, in conformity with Section 10-36-356 of this Code.

Notwithstanding any provision in this Code to the contrary, any person who violates any fire regulation of this Code at Chicago O'Hare International Airport or Chicago Midway International Airport shall be subject to a fine of not less than $1,000.00 nor more than $5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. The violator shall also be liable for reimbursement to the City of any fine or penalty paid by the city as a result of the person's violations.

SECTION 2. Section 2-36-310 ofthe Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-36-310 Issuance of orders, notices and certificates.

a) The fire commissioner shall sign, or cause to be signed, all orders, notices and certificates ~~which~~ that must be issued by the fire department or any bureau or division thereof, and shall keep a record of the same.

b) The service of any order or notice required by the fire regulations of this Code may be made by depositing a copy thereof in the United States mail. Such order or notice may be addressed to the owner, or to any one ofthe several owners, of the premises in question, or to any such owner's duly authorized agent, or by

delivering a copy thereof to a lessee or any one of several lessees of said premises or any particular part thereof, or by the delivery of a copy thereof to any person of suitable age and discretion in charge or apparently in charge of the premises.

Cc) ~~In addition, a~~ A copy of meb any order or notice served pursuant to subsection (b) of this section shall be prominently affixed to the exterior of the applicable premises. Provided, however, that this subsection (c) shall not apply to any such notice or order served at Chicago O'Hare International Airport or Chicago Midway International Airport.

SECTION 3. Section 10-36-355 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

10-36-355 Commissioner of aviation - Authority to issue rules ~~and regulations~~.

The commissioner of aviation shall issue rules ~~and regulations~~ for the administration and enforcement of Sections 10-36-353 and 10-36-354. The rules shall include such matters as: periodic renewal of security badges; issuance of badges to employees or agents of persons doing business at an airport; surrendering of badges upon separation or transfer from employment; procedures and forms for applications and reports; and display of security badges.

SECTION 4. Section 10-36-356 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-36-356 Violation - Penalty.

a) Any person who violates ~~any provision of~~ Sections 10-36-351 through 10-36-354, or ~~the re~~ ~~gulations~~ any rule issued under Section 10-36-355, shall be fined not more than $100.00 for a first offense, and not more than $200.00 for a second offense, and not more than $500.00 for each subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense. The violator shall also be liable for reimbursement to the city of any fine or penalty paid by the city as a result of the such person's violations. The commissioner of aviation may also revoke or refuse to reissue the security badge or identification card of the violator.

b) To enforce ~~the~~ ~~provisions of~~ Sections 10-36-351 through 10-36-355, and or Section 10-36-357, or any violation of the Fire Code at Chicago O'Hare International Airport or Chicago Midway International Airport, the commissioner of aviation or ~~his or her~~ the commissioner's designee may conduct hearings in accordance with this section. ~~Any person found to have violated any provision of Sections 10-36-351 through 1 36-355 shall be fined in accordance with this section.~~ Before any applicable fine or penalty is imposed, the opportunity for ~~levied in accordance with this~~ section, a hearing ~~as authorized her~~ein shall be held provided,

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and, if requested in a timely manner, a hearing shall be held . A person charged with violating ~~any provision of~~ the aforementioned sections or Fire Code may decline to contest the allegation. In case of such declination, the hearing officer shall assess a the applicable fine or penalty in accordance with this section. Notice of a hearing shall be personally served upon the person or ~~persons~~ alleged to have violated ~~any provision of~~ the aforementioned sections or Fire Code at least ten days prior to the hearing date. The person before whom the hearing is held shall not

have been involved in the initial decision to seek the imposition of a fine or other applicable penalty. At the hearing, the person alleged to have violated ~~any provision of~~ the aforementioned sections or Fire Code may be represented by counsel, present documentary evidence and/or live testimony, and may cross-examine witnesses called by the department of aviation. The department shall present sufficient evidence from witnesses having personal knowledge of the offense to prove, by a preponderance ofthe evidence, that one or more violations of the aforementioned sections or Fire Code occurred. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings under this section. The commissioner of the department of aviation or ~~his or her~~ the commissioner's designee shall: (1) be the official custodian of the records of each hearing held pursuant to this section; and (2) upon request, provide to the fire commissioner a copy of the records of any such hearing involving violations ofthe Fire Code. The record of each hearing shall include: (a) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (b) any document presented at the hearing; and (c) a copy of the written notice of hearing that was personally served in accordance with this section.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 15-4-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-4-010 Fire regulations.

~~This chapter. Article~~ ~~II of~~ Title 14F. Chapter 2-36, Chapter 15-4, Chapter 15-8, Chapter 15-16, and Chapters 15-20, 15-24, 15-26 and 15-28 of this Code shall be known as the Fire Code or fire regulations of this Code.

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

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