

**SUBSTITUTE**  
**MANAGEMENT ORDINANCE**

**WHEREAS**, The City of Chicago is a home rule unit of government as defined in Article VII, Section 6(a) of the Illinois Constitution; and

**WHEREAS**, As a home rule unit of government, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, The management, structure, powers, and functions of its departments and agencies is a matter pertaining to the government and affairs of the City of Chicago; now, therefore,

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

This ordinance is organized into the following Articles, as follows:

- Article I. Reorganization of City Asset Management
- Article II. Department of the Environment
- Article III. Department of Streets and Sanitation Amendments
- Article IV. Miscellaneous
- Article V. Health
- Article VI. Consumer Fraud
- Article VII. Phase out of Metal Taxicab Medallions
- Article VIII. Water
- Article IX. Severability; Superseder
- Article X. Effective Dates

**ARTICLE I. REORGANIZATION OF CITY ASSET MANAGEMENT**

**SECTION 1.** Section 1-8-080 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**1-8-080 Manufacture and custody of flags and badges.**

The Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management shall cause to be made, in accordance with the design fixed in this chapter, such number of flags as the Commissioner may deem proper and necessary, and of suitable size, for use on City Hall and other buildings and structures owned by the City.

The City Clerk shall be the custodian of the corporate seal and of the municipal flag, standard and badge, drawn to scale.

**SECTION 2.** Section 2-4-060 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-4-060 Chief Risk Officer.**

*(Omitted text is unaffected by this ordinance)*

(c) The Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management shall consult and work in coordination with the Chief Risk Officer to advance the goals of the City set forth in Section 2-51-050(a)(41).

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Section 2-8-110 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-8-110 Term of office.**

All items of personal property purchased by an alderman from his or her aldermanic contingency expense allowance are the property of the City of Chicago and are to be returned to the City of Chicago when no longer used by an alderman or an alderman's staff in connection with the performance of the alderman's official duties. In the event of a vacancy or change in the office of an alderman, any personal property purchased with City funds in the possession of the vacating alderman shall transfer to the alderman's successor. If the successor alderman determines that use of any such personal property is no longer necessary, then such personal property shall be transferred to the City Council Committee on Committees and Rules, and if not wanted by any other alderman, then to the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management for treatment as surplus or salvage property.

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** Section 2-28-160 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-28-160 Department of Cultural Affairs and Special Events – Powers and duties.**

In addition to those conferred elsewhere in this Code or by other ordinance, the Department shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance)*

(f) to maintain artwork in the Public Art Program collection in cooperation with the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management;

*(Omitted text is unaffected by this ordinance)*

**SECTION 5.** Chapter 2-51 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

CHAPTER 2-51  
~~DEPARTMENT OF ASSETS, INFORMATION, AND SERVICES~~  
DEPARTMENT OF FLEET AND FACILITY MANAGEMENT

**2-51-010 Definitions.**

As used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

"Commissioner" means the Commissioner of Assets, Information, and Services Fleet and Facility Management or the Commissioner's designee.

"Department" means the Department of Assets, Information, and Services Fleet and Facility Management.

*(Omitted text is unaffected by this ordinance)*

**2-51-020 Establishment – Composition.**

There is hereby established an executive department of the municipal government of the City, which shall be known as the Department of Assets, Information, and Services Fleet and Facility Management. The Department shall include the Commissioner of Assets, Information, and Services Fleet and Facility Management and such other personnel as may be provided in the annual appropriation ordinance.

All employees of the Department shall be under the direction and supervision of the Commissioner of Assets, Information, and Services Fleet and Facility Management and shall perform such duties as may be required of them by the Commissioner or under this Code.

**2-51-030 Commissioner – Appointment and authority.**

The office of the Commissioner of Assets, Information, and Services Fleet and Facility Management is hereby established. The Commissioner shall be appointed by the Mayor, subject to the approval of the City Council, and shall have management and control of all matters and activities pertaining to the Department of Assets, Information, and Services Fleet and Facility Management.

**2-51-040 Transfer of rights, powers and duties.**

(a) The Commissioner and the Department of Assets, Information, and Services Fleet and Facility Management shall assume, respectively, all rights, powers, duties, obligations and responsibilities of the former: (1) Commissioner and Department of Fleet Management; and (2) the Commissioner and Department of General Services; and (3) Commissioner and Department of Assets, Information, and Services, with the exception of the rights, powers, duties, obligations and responsibilities related to information technology management and innovation initiatives Chief Information Officer and Department of Innovation and Technology. All personnel, books, records, property and funds relating to such former departments and such rights, powers, duties, obligations and responsibilities are transferred to the Department of Assets, Information, and Services Fleet and Facility Management. The Commissioner of Assets, Information, and Services Fleet and Facility Management shall succeed such former commissioners and officers in the administration of any federal, state, local or private grant or loan programs relating to such rights, powers, duties, obligations and responsibilities. The Commissioner of Assets, Information, and Services Fleet and Facility Management shall succeed to the rights and duties of such former commissioners and officers under existing contracts, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances relating to such transferred rights, powers, duties, obligations and responsibilities. All rules issued by such former commissioners or officers relating to such rights, powers, duties, obligations and responsibilities in effect as of January 1, 2020, shall remain in effect until amended or repealed by the Commissioner of Assets, Information, and Services Fleet and Facility Management.

(b) The Commissioner and Department of Assets, Information, and Services Fleet and Facility Management shall assume all rights, powers, duties, obligations and responsibilities of the former Commissioner and Department of the Environment related to energy, utilities and brownfields redevelopment, including:

*(Omitted text is unaffected by this ordinance)*

All rules issued by the former Commissioner of the Environment relating to energy, utilities and brownfields redevelopment, in effect as of January 1, 2020, shall remain in effect until amended or repealed by the Commissioner of Assets, Information, and Services Fleet and Facility Management.

**2-51-050 Commissioner of Assets, Information, and Services Fleet and Facility Management – Powers and duties – Rulemaking.**

(a) *Duties and responsibilities.* The Commissioner of Assets, Information, and Services Fleet and Facility Management shall have the following duties and responsibilities:

*(Omitted text is unaffected by this ordinance)*

(4) Subject to approval of the City Council, to negotiate to purchase, sell, lease or let real estate and to purchase, sell, lease or let real estate on behalf of the City; provided, however, that this provision shall not apply to: (i) airport developments; or (ii) street or public transit improvements; or (iii) properties managed by the Department of Planning and Development or Department of Housing; or (iv) property within any redevelopment or project area designated by the Community Development Commission pursuant to the provisions of Chapter 2-124 of this Code; ~~or~~ (v) the sale of surplus land pursuant to Chapters 2-158 and 2-159 of this Code; or (vi) the lease of real estate for the purpose of establishing and maintaining clinic spaces to provide diagnosis, treatment, or preventive care for medical, mental health, or behavioral health conditions, including substance use disorders;

*(Omitted text is unaffected by this ordinance)*

(42) To negotiate and execute, jointly with the Commissioner of Transportation, agreements pertaining to the operation, maintenance, development, and improvement of the Pedway, non-limiting examples of which include leases, easements, and agreements providing for right-of-entry, operation and maintenance, and capital improvements. For purposes of this subsection, "Pedway" means the system of grade-separated walkways below and above the street level that runs through various public and private facilities and buildings in the Central Business District;

(43) Subject to approval of the Corporation Counsel as to form and legality, to enter into agreements with corporations, non-profit organizations, cooperatives, public-private partnerships, and other entities to lease, license, or otherwise allow the placement of telecommunications systems and equipment on City-owned buildings and structures, provided that such telecommunications systems and equipment shall be used to provide broadband connectivity to Community Areas where 20 percent or more of households do not have access to the Internet at home, according to the most recently available American Community Survey 5-year estimates;

(44) Subject to approval of the Corporation Counsel as to form and legality, to negotiate and execute, jointly with the Commissioner of Health, on behalf of the City any lease, right-of-entry agreement, or other document evidencing an agreement for the use and occupancy of real property, which may include terms providing for indemnification for the purpose of establishing and maintaining clinic spaces to provide diagnosis, treatment, or preventive care for medical, mental health, or behavioral health conditions, including substance use disorders; and

(43) To assess the City's data and technology requirements;

(44) — To advise the Mayor and City departments on the effective use of data and information technology;

(45) — To review and approve requests from City departments and agencies for the procurement of data and technology goods and services; provided, however, that this provision shall not apply to the procurement of such goods or services required by the City Council or any of its committees;

(46) — To train and assist City departments and agencies in the use of data and information technology;

(47) — To operate the City's technology infrastructure for the efficient maintenance of municipal records;

(48) — To contract with information technology companies, at the request of the Mayor's Office or a using department or agency of City government, for the testing and pilot application of hardware, software, peripherals, technology services or any combination thereof, in order to determine suitability for use by the requesting department or agency. Contracts for this purpose may be for products or services that are experimental, under development, not yet marketed, or adapted for use by the requesting department or agency. Such contracts shall be subject to approval by the Corporation Counsel as to form and legality and by the Budget Director as to funding;

(49) — To participate with the Chicago Board of Education, Chicago Park District, Chicago Housing Authority, Community College District Number 508, Chicago Transit Authority and other governmental agencies in jointly procuring, awarding, executing and purchasing under contracts, and purchasing under contracts already validly entered into by such agencies for computer systems, technology services, computer hardware and software, peripherals and related equipment and services to reduce costs and increase benefits to the participating agencies. Such agreements shall be subject to approval of the: (i) Chief Procurement Officer, (ii) Corporation Counsel as to form and legality, and (iii) governing body of the participating agencies, either by specific action or by delegation;

(50) — To enter into agreements with other government entities regarding shared use of communications and other data transmission infrastructure. Any such agreement shall comply with applicable federal or state restrictions or limitations on shared use;

(51) — To enter into agreements with the Illinois Secretary of State in order to access, use or share data necessary or useful to carrying out City functions. The Commissioner may enter into such agreements, which may include provisions providing indemnification, directly or through a designee. Such designee may include a designee of another City department if the information at issue directly impacts that department. The Commissioner is further authorized to execute such other instruments and to perform such 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;

(52) — To enter into agreements regarding: (i) access to, or use or sharing of City or third-party data, (ii) cooperative development and ownership of intellectual property, or (iii) incorporating City data or other intellectual property into cooperative work created pursuant to an agreement authorized under this subsection. Any agreement authorized under this subsection shall not include the expenditure of City funds, but may include provisions providing indemnification. The Commissioner shall provide a quarterly written report to the Chairman of the City Council Committee on the Budget and Government Operations summarizing, and attaching the text of, any agreement entered into pursuant to this subsection for the preceding calendar quarter;

(53) — To enter into agreements to make City applications available for download on digital application distribution platforms. The Commissioner may enter into such agreements, which may include terms as are useful, customary and appropriate for such agreements in the industry, including but not limited to indemnification of such platforms.

~~Notwithstanding any provision of this Code to the contrary, any contracts entered into pursuant to this subsection shall be solely on such terms and conditions as are acceptable to the Commissioner. Such agreements shall be subject to approval of the Corporation Counsel as to form and legality; and~~

~~(54) (45)~~ To do any and all other acts which may be necessary for the implementation of other powers conferred on the Commissioner and Department under this Code.

(b) *Rulemaking authority.* The Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management is authorized to promulgate rules necessary or appropriate to implement this chapter and other powers conferred on the Commissioner and Department under this Code.

(c) When applicable, the foregoing powers and duties shall be exercised in conjunction with the Executive Director of the Office of Public Safety Administration pursuant to Section 2-96-040.

**SECTION 6.** The November 4, 2022, appointment and confirmation by the City Council of Sandra Blakemore as Commissioner of Assets, Information and Services shall be recognized as the appointment and confirmation of Sandra Blakemore as the Commissioner of Fleet and Facility Management.

**SECTION 7.** Title 2 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 2-68, as follows:

## **CHAPTER 2-68 DEPARTMENT OF TECHNOLOGY AND INNOVATION**

### **2-68-010 Establishment – Composition and operation.**

There is hereby established an executive department of the municipal government of the City which shall be known as the Department of Technology and Innovation. The Department shall be headed by a Chief Information Officer and shall include such other employees as provided for in the annual appropriation ordinance.

### **2-68-020 Chief Information Officer – Appointment and authority.**

The Chief Information Officer shall be appointed by the Mayor with the advice and consent of the City Council. The Chief Information Officer shall have management and control of all matters and activities pertaining to the Department of Technology and Innovation.

### **2-68-030 Chief Information Officer – Powers and duties.**

The Chief Information Officer shall have the following duties and responsibilities:

- (1) To oversee the City's information technology environment, including, but not limited to, enterprise applications, digital services, end-user tools, security, data, and hardware infrastructure;
- (2) To formulate and implement the City's information technology strategy, ensuring a unified and centralized approach for technology governance and decision-making;
- (3) To improve the City's capacity for innovation through better design and evaluation of programs and services;
- (4) To assess the City's data and technology requirements;
- (5) To advise the Mayor and City departments on the effective use of data and information technology;

(6) To review and approve requests from City departments and agencies for the procurement of data and technology goods and services; provided, however, that this provision shall not apply to the procurement of such goods or services required by the City Council or any of its committees;

(7) To train and assist City departments and agencies in the use of data and information technology;

(8) To operate the City's technology infrastructure for the efficient maintenance of municipal records;

(9) To contract with information technology companies, at the request of the Mayor's Office or a using department or agency of City government, for the testing and pilot application of hardware, software, peripherals, technology services or any combination thereof, in order to determine suitability for use by the requesting department or agency. Contracts for this purpose may be for products or services that are experimental, under development, not yet marketed, or adapted for use by the requesting department or agency. Such contracts shall be subject to approval by the Corporation Counsel as to form and legality and by the Budget Director as to funding;

(10) To participate with the Chicago Board of Education, Chicago Park District, Chicago Housing Authority, Community College District Number 508, Chicago Transit Authority and other governmental agencies in jointly procuring, awarding, executing and purchasing under contracts, and purchasing under contracts already validly entered into by such agencies for computer systems, technology services, computer hardware and software, peripherals and related equipment and services to reduce costs and increase benefits to the participating agencies. Such agreements shall be subject to approval of the: (i) Chief Procurement Officer, (ii) Corporation Counsel as to form and legality, and (iii) governing body of the participating agencies, either by specific action or by delegation;

(11) To enter into agreements with other government entities regarding shared use of communications and other data transmission infrastructure. Any such agreement shall comply with applicable federal or state restrictions or limitations on shared use;

(12) To enter into agreements with the Illinois Secretary of State in order to access, use or share data necessary or useful to carrying out City functions. The Commissioner may enter into such agreements, which may include provisions providing indemnification, directly or through a designee. Such designee may include a designee of another City department if the information at issue directly impacts that department. The Commissioner is further authorized to execute such other instruments and to perform such 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;

(13) To enter into agreements regarding: (i) access to, or use or sharing of City or third-party data, (ii) cooperative development and ownership of intellectual property, or (iii) incorporating City data or other intellectual property into cooperative work created pursuant to an agreement authorized under this subsection. Any agreement authorized under this subsection shall not include the expenditure of City funds, but may include provisions providing indemnification. The Commissioner shall provide a quarterly written report to the Chairman of the City Council Committee on the Budget and Government Operations summarizing, and attaching the text of, any agreement entered into pursuant to this subsection for the preceding calendar quarter;

(14) To enter into agreements to make City applications available for download on digital application distribution platforms. The Commissioner may enter into such agreements, which may include terms as are useful, customary and appropriate for such agreements in the industry, including but not limited to indemnification of such platforms. Notwithstanding any provision of this Code to the contrary, any contracts entered into pursuant to this subsection shall be solely on such terms and conditions as are acceptable to the

Commissioner. Such agreements shall be subject to approval of the Corporation Counsel as to form and legality;

(15) When there is need for an incident response, to enter into agreements with outside consultants to provide cybersecurity, digital forensics, and other incident response services. Such agreements shall be subject to approval of the Corporation Counsel as to form and legality and subject to the availability of appropriated funds;

(16) To enter into intergovernmental agreements to improve the City's cybersecurity;

(17) To do any and all other acts which may be necessary for the implementation of other powers conferred on the Chief Information Officer and Department of Technology and Innovation under this Code; and

(18) To promulgate rules necessary or appropriate to implement this Chapter and other powers conferred on the Chief Information Officer and Department Technology and Innovation under this Code.

**2-68-040 Transfer of rights, powers and duties.**

The Chief Information Officer and the Department of Technology and Innovation shall assume, respectively, all rights, powers, duties, obligations and responsibilities of the former Chief Information Officer and Department of Innovation and Technology; and all rights, powers, duties, obligations and responsibilities of the Commissioner and Department of Assets, Information, and Services with regards to information technology management and innovation initiatives. All personnel, books, records, property and funds relating to such former departments and such rights, powers, duties, obligations and responsibilities are transferred to the Department of Technology and Innovation. The Chief Information Officer shall succeed such former commissioners and officers in the administration of any federal, state, local or private grant or loan programs relating to such rights, powers, duties, obligations and responsibilities. The Chief Information Officer shall succeed to the rights and duties of such former commissioners and officers under existing contracts, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances relating to such transferred rights, powers, duties, obligations and responsibilities. All rules issued by such former commissioners or officers relating to such rights, powers, duties, obligations and responsibilities shall remain in effect until amended or repealed by the Chief Information Officer.

**SECTION 8.** Section 2-92-597 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-92-597 Safety-enhancing vehicle equipment contracting.**

(a) Definitions. For purposes of this section, the following definitions shall apply:  
"Commissioner" means the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management.

*(Omitted text is unaffected by this ordinance)*

**SECTION 9.** Section 2-96-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-96-040 Executive Director – Powers and duties.**

The Executive Director is authorized to:



*(Omitted text is unaffected by this ordinance)*

(10) Adopt such rules as the Executive Director may deem necessary or appropriate for the proper administration and enforcement of this Chapter 2-96 and the provisions of this Code pertaining to the rights, powers, duties, obligations and responsibilities of the Office.

When applicable, the foregoing powers and duties shall be exercised in conjunction with the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management pursuant to Section 2-51-050. None of the foregoing powers and duties shall be exercised so as to impair any rights under a collective bargaining agreement.

**SECTION 10.** Section 2-102-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-102-030 Commissioner – Powers and duties.**

The Commissioner of Transportation shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance)*

(x) The powers and duties conferred in this section shall not apply to the operation, management and maintenance of the Chicago Riverwalk, as defined in Section 2-32-1300(a), which shall be under the jurisdiction of the Commissioner ~~Assets, Information, and Services~~ of Fleet and Facility Management.

*(Omitted text is unaffected by this ordinance)*

**SECTION 11.** Section 2-120-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-120-100 Establishment and composition.**

There is hereby established a commission to be known as the "North Park Village Commission". The commission shall consist of eight members, including the alderman of the ward where North Park Village is located or a representative selected by the alderman. The other seven members shall be selected and appointed by the Mayor, including representatives from the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management; Department of Housing; Department of Planning and Development; Chicago Police Department; Department of Streets and Sanitation, Bureau of Forestry; Chicago Park District; and the manager of senior housing at North Park Village. The chairperson shall be the representative of the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management. The members shall serve until the Mayor appoints a replacement. The members shall serve without compensation.

**SECTION 12.** Section 2-156-520 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-156-520 Access to list of current contractors.**

(a) The Department of ~~Assets, Information, and Services~~ Fleet and Facility Management shall compile a list of all contractors, who did business during the preceding four reporting years, as set forth in Section 2-156-445, with the City, Chicago Transit Authority, Chicago Board of Education, Chicago Park District, Chicago City Colleges, Chicago Housing Authority, Chicago Public Building Commission, or the Metropolitan Pier and Exposition Authority. The list shall be updated electronically. The list shall be made available to all officials and employees, and to the public via the Internet.

*(Omitted text is unaffected by this ordinance)*

**SECTION 13.** Chapter 7-58 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**7-58-020 Submittal of emergency energy plan.**

(a) Every electric utility company must adopt and maintain an emergency energy plan. Every new electric utility company shall adopt its plan within 30 days after becoming an electric utility company. Every such company shall submit to the Executive Director of Emergency Management and Communications, Superintendent of Police, Fire Commissioner, and Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management any emergency energy plan adopted by the company within 24 hours of the time the plan is adopted. The company shall notify those officials within 24 hours of any significant revisions to a plan and the rationale for the revisions. Such revisions shall be submitted by the company as soon as practicable and shall be reviewed and approved by the Executive Director in accordance with Section 7-58-030.

*(Omitted text is unaffected by this ordinance)*

**7-58-030 Review of plan.**

Upon submission of the emergency energy plan required under Section 7-58-020, the Executive Director, in consultation with the Superintendent of Police, Fire Commissioner, and Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, or their respective departmental designees, shall review the plan. In order to assure appropriate coordination with public health and safety agencies, the Executive Director shall have the right to approve or reject the plan or any element thereof based on: (1) the potential impact of the plan on public health and safety, (2) the potential impact of the plan on the duties of the City's public health and safety agencies; and (3) what steps the company has taken to mitigate those potential health or safety problems. Within 30 days after the date on which the plan is submitted, the Executive Director shall notify the electric utility company, in writing, whether the submitted plan has been approved or rejected. If the plan is rejected, the reasons therefor shall be stated in writing. In such case, within 30 days after notice of the rejection is given, the electric utility company shall submit a revised plan to the Executive Director, Superintendent of Police, Fire Commissioner and Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, or their respective designees. Following consultation with the Superintendent of Police, Fire Commissioner and Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, the Executive Director shall approve or reject the revised plan, in writing, within 30 days after the date on which it is resubmitted. An electric utility company shall be in violation of this chapter if such company fails to have in place an emergency energy plan approved by the Executive Director within 120 days after the plan is required to be submitted under subsection 7-58-020(a).

**7-58-040 Implementation of emergency energy plan.**

(a) Whenever an electric utility company determines that it is necessary to implement an emergency energy plan, the company shall notify the Executive Director, Superintendent of Police, Fire Commissioner, and Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, or their respective designees, pursuant to a notification procedure approved by the Executive Director after consultation with the Superintendent of Police, Fire Commissioner, and Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management. The notification shall be made as soon as practicable and shall be made prior to implementation of the plan. The Executive Director may waive the notice requirement to accommodate exigent circumstances.

(b) Notice of the implementation of each level or stage of the emergency energy plan shall be made under this section pursuant to rules promulgated by the Executive Director after consultation with the Superintendent of Police, Fire Commissioner, and Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management. The notification shall be made for each of the following actions:

*(Omitted text is unaffected by this ordinance)*

**SECTION 14.** Section 8-4-280 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**8-4-280 Removing sod or earth.**

No person shall dig, cut, or remove any sod or earth from any public way within the City without first having obtained a permit from the Commissioner of Transportation, or from any other public place within the City without first having obtained a permit from the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, or from any premises not his own without first having obtained the consent of the owner, under a penalty of not less than \$50.00 for each offense.

**SECTION 15.** Section 9-76-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-76-040 Horns and warning devices.**

*(Omitted text is unaffected by this ordinance)*

(b) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell, except that this prohibition shall not apply to: (i) an authorized emergency vehicle as otherwise permitted in the traffic code; (ii) a city-owned or city-leased vehicle equipped with a siren, whistle, air-horn or bell, when such sound equipment is used in accordance with rules or guidelines developed by the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management; and (iii) a vehicle equipped with a siren, whistle or bell as otherwise permitted under the Illinois Vehicle Code, codified at 625 ILCS 5/1-100, et seq. when such sound equipment is used in accordance with applicable law.

**SECTION 16.** Chapter 9-80 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-80-010 Blue lights and flashing, rotating or oscillating blue beams.**

(a) No person shall drive or move any vehicle or equipment upon any street with any device thereon displaying a blue light visible directly in front thereof, or place, maintain, or display upon or in view of any public way a flashing, rotating or oscillating blue beam, except: (i) a vehicle operated by a police department; (ii) a city-owned or city-leased vehicle that displays such light in accordance with rules or guidelines developed by the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management; or (iii) a vehicle that displays such light as otherwise permitted under the Illinois Vehicle Code, codified at 625 ILCS 5/1-100, *et seq.*

(b) The Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management may allow, by rule, the use of blue oscillating, rotating or flashing lights in combination with green oscillating, rotating or flashing lights on certain city-owned or city-leased vehicles not operated by the Department of Police.

**9-80-020 Red lights and flashing lights.**

*(Omitted text is unaffected by this ordinance)*

(c) This section shall not apply to: (i) authorized emergency vehicles; (ii) city-owned or city-leased vehicles that display red or flashing lights in accordance with rules or guidelines developed by the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management; or (iii) vehicles that display red or flashing lights as otherwise permitted under the Illinois Vehicle Code, codified at 625 ILCS 5/1-100, *et seq.*

**SECTION 17.** Section 9-103-140 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-103-140 Scooter sharing license – Data sharing.**

*(Omitted text is unaffected by this ordinance)*

(d) Each licensee shall provide other data sets related to the scooter sharing business licensed under this chapter as requested, pursuant to rules, by the Commissioner, the Commissioner of Transportation or ~~Commissioner of Assets, Information, and Services~~ the Chief Information Officer.

*(Omitted text is unaffected by this ordinance)*

**SECTION 18.** Section 10-29-060 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-29-060 Commissioner authorized to establish additional regulations rules.**

The Commissioner is authorized to establish rules as shall be necessary or appropriate to further the purposes of this chapter and to ensure that access to, use or occupancy of space on, under or over the public way or public property is conducted and maintained in a safe and efficient manner consistent with this Code, in a manner so as to not physically or visually interfere with or obstruct the public way or public property, or in a manner that does not overburden the limited capacity of the space. In regard to the use of City light poles, such rules

shall be established after consultation with the Executive Director, Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, and Commissioner of Streets and Sanitation, and shall be drafted and administered on a competitively neutral and nondiscriminatory basis.

*(Omitted text is unaffected by this ordinance)*

**SECTION 19.** Section 10-30-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-30-050 Rules.**

The Commissioner, after consultation with the Executive Director, the Commissioner of Streets and Sanitation and Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, is authorized to establish rules on a competitively neutral and nondiscriminatory basis as shall be necessary to: (1) further the purposes of this chapter; (2) manage the public ways, as defined in this chapter; and (3) ensure that access to, or use or occupancy of space on, under or over the public way, is conducted and maintained in a safe and efficient manner consistent with this Code.

**SECTION 20.** Chapter 10-36 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-36-140 Millennium Park.**

*(Omitted text is unaffected by this ordinance)*

(b) The Commissioner, following consultation with the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, may adopt and enforce rules for health, safety, and protection of the facilities and patrons of the Park, which may include, but not be limited to, defining the hours of operation, and prohibiting or regulating activities that may unreasonably disrupt pedestrian traffic flow or the quiet enjoyment of Park resources. The Commissioner may post signs in the Park setting forth the rules and directional signs.

(c) The Commissioner, following consultation with the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management, is authorized to negotiate and enter into, subject to the approval of the City Council, and after publicly soliciting requests for proposals or qualifications, concession agreements for food, beverages, goods, and services within the Park.

*(Omitted text is unaffected by this ordinance)*

(j) The Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management shall provide for the operation and maintenance of Millennium Park and, following consultation with the Commissioner, may delegate duties to the Department of Cultural Affairs and Special Events.

**10-36-145 Chicago Riverwalk.**

(a) Definitions. For purposes of this section, the following definitions shall apply:  
"Authorized concession stand" means any concession stand authorized to operate within the Chicago Riverwalk.

"Chicago Riverwalk" has the meaning ascribed to the term in section 2-32-1300(a).  
"Commissioner" means the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management.

*(Omitted text is unaffected by this ordinance)*

**SECTION 21.** Section 11-4-575 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-575 Emission reduction credit banking and trading program.**

(a) Definitions.

*(Omitted text is unaffected by this ordinance)*

(7) "Emission reduction credit banking and trading committee" or "E.R.C. committee" means a City interdepartmental committee that includes the chairman of the City Council Committee on Environmental Protection and Energy or the chairman's designee, and representatives from the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management, Department of Planning and Development, and Department of Law.

*(Omitted text is unaffected by this ordinance)*

(g) Program Administration.

*(Omitted text is unaffected by this ordinance)*

(5) Copies of the plan shall be provided by the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management to the I.E.P.A. and interested parties upon request.

**SECTION 22.** Section 11-4-1100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-1100 Radiation Monitoring.**

(a) *Definitions.* For purposes of this section, the following definitions shall apply:

"Carnotite Moratorium Area" means the area in and around the site of the former Carnotite Reduction Company near 434 East 26th Street, where the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management has determined that radiologically contaminated material is potentially present, a map of which, as amended from time to time, is made publicly available by the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management.

"DIGGER" means the 24-hour service network system established by the City of Chicago that provides a free, one-call service to persons engaged in excavation and demolition, and notifies persons who own and operate underground facilities of impending excavations and demolitions within the City's corporate limits, pursuant to Section 10-21-020 of the Code.

"Health and Safety Plan" means a health and safety radiation plan that sets forth requirements and designates protocols to be followed during subsurface soil-disturbing work and environmental monitoring, which meets Occupational Health and Safety Administration regulations codified at 29 C.F.R. Part 1910.120(b), or successor regulations. For work outside

the Carnotite Moratorium Area, the Health and Safety Plan shall be consistent with the model Health and Safety Plan made publicly available by the Department; for work within the Carnotite Moratorium Area, the work shall be consistent with the Utility Emergency and Maintenance Plan, Former Carnotite Reduction Company Site, Chicago, Illinois, as amended, made publicly available by the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management.

*(Omitted text is unaffected by this ordinance)*

(d) *Work in the Carnotite Moratorium Area.* Any person performing emergency or non-emergency subsurface soil-disturbing work in the Carnotite Moratorium Area shall:

(1) Prior to the commencement of work, review all environmental and other information regarding the Carnotite Moratorium Area provided by the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management;

(2) Prior to the commencement of work, complete a Health and Safety Plan for the proposed work, and provide it to the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management in electronic format, upon request;

(3) Prior to the commencement of work, provide the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management with the identity and contact information of the radiation specialist which will perform services required by the Health and Safety Plan for the proposed work;

(4) Prior to the commencement of work, provide DIGGER notifications and obtain required permits, as applicable;

(5) Follow radiation monitoring and soil handling procedures for both emergency and non-emergency work included in the Utility Emergency and Maintenance Plan and as determined by the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management;

(6) Ensure that any radiation monitoring of the work required by the Health and Safety Plan is performed by a radiation specialist;

(7) Comply with the Health and Safety Plan for work at the site;

(8) Ensure that the radiation specialist is present at the worksite and performs such services as are required by the Health and Safety Plan;

(9) Provide the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management with copies of radiation monitoring results and reports prepared or undertaken in connection with work at the site in electronic format within two weeks of the completion of work;

(10) In the event radiologically contaminated material is encountered at the worksite, immediately notify the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management and other regulatory agencies as directed by the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management;

(11) In the event radiologically contaminated material from the worksite is disposed of, disposal documentation must be provided to the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management in electronic format within two weeks of transport and acceptance to the final disposal location. Such documentation shall include: (i) sampling methodology and documentation; (ii) laboratory analytical reports of waste characterization; (iii) landfill correspondence and acceptance approval; and (iv) radiation material summary, including amounts disposed (tonnage), trucking and transportation documentation, and landfill tickets and material disposal documentation;

(12) Provide the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management access to inspect work performed at the site;

(13) Provide the notifications, documentation and information required by this subsection (d) to other regulatory agencies as directed by the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management; and

(14) Undertake such other measures as the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management may determine are necessary or advisable to protect human health and the environment.

(e) *Compliance with Health and Safety Plan.* Any person performing the subsurface soil-disturbing work at a location where the Commissioner or Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management has determined that radiologically contaminated material is potentially present, and the radiation specialist for such work, shall maintain records demonstrating that work at the site complies with the Health and Safety Plan for the work. Such records shall be made available for inspection upon request, in a format approved by the Department or Department of ~~Assets, Information, and Services~~ Fleet and Facility Management, as applicable, and shall be maintained by the person performing the subsurface soil-disturbing work and the radiation specialist for a minimum of three years from the date the record is created.

*(Omitted text is unaffected by this ordinance)*

**SECTION 23.** Section 11-4-1680 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-1680 Definitions.**

*(Omitted text is unaffected by this ordinance)*

(e) "Commissioner" means the Commissioner of ~~Assets, Information, and Services~~ Fleet and Facility Management.

*(Omitted text is unaffected by this ordinance)*

**SECTION 24.** Section 11-12-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-12-050 Permit to use water.**

No person to whom permission is granted to make a connection with a service or supply pipe shall allow any person to take service from the new service or supply pipe unless a permit for such use has been granted by the ~~department of water management~~ Department of Water Management, and in the absence of such permission the new service or supply pipe shall be turned off at the curb stopcock, and such stopcock shall not again be turned on until proper permit shall be in the possession of the person about to perform such turning on.

The fees imposed by this chapter shall not apply to permits issued to the Department of ~~Assets, Information, and Services~~ Fleet and Facility Management or its contractors for work undertaken for public or governmental use.



## ARTICLE II. DEPARTMENT OF THE ENVIRONMENT

**SECTION 1.** Chapter 2-31 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

### **CHAPTER 2-31: OFFICE OF CLIMATE AND ENVIRONMENTAL EQUITY DEPARTMENT OF THE ENVIRONMENT**

#### **2-31-010 Establishment – Composition.**

There is hereby established an executive department of the municipal government of the City, which shall be known as the Office of Climate and Environmental Equity Department of the Environment, which shall be led by a commissioner, titled the Chief Sustainability Officer, and shall include such other deputies, assistants, officers and employees as the City Council may provide by the annual appropriation ordinance.

#### **2-31-015 Commissioner – Appointment and authority.**

The office of the Chief Sustainability Officer is hereby established. The Chief Sustainability Officer shall be appointed by the Mayor, subject to the approval of the City Council, and shall have management and control of all matters and activities pertaining to the Department of the Environment.

*(Omitted text is unaffected by this ordinance)*

#### **2-31-030 Officers and employees.**

All deputies, assistants, officers, and employees of the office Department shall be under the direction and supervision of the Chief Sustainability Officer and shall perform the duties required of them by the Chief Sustainability Officer or by the provisions of this Code.

#### **2-31-040 Powers and duties of the office Department.**

(a) The Chief Sustainability Officer and the office Department shall have the following duties and responsibilities:

*(Omitted text is unaffected by this ordinance)*

(b) All City departments and, to the extent permitted by law, sister agencies shall work cooperatively with the Chief Sustainability Officer to advance the environmental, climate, energy, and sustainability goals of the City. The Mayor shall ensure sufficient funding for the Office of Climate and Environmental Equity Department of the Environment to faithfully and fully execute these requirements.

#### **2-31-050 Succession; transfer of powers.**

The Chief Sustainability Officer and the Office of Climate and Environmental Equity Department of the Environment established under this section shall assume all rights, powers, duties, obligations, and responsibilities of the former Chief Sustainability Officer and the Office of Climate and Environmental Equity. Any policies, agreements, contracts, or other documents created by the Chief Sustainability Officer prior to the creation of this Office of Climate and Environmental Equity Department of the Environment shall be continued under the jurisdiction

of the Chief Sustainability Officer and the ~~Office of Climate and Environmental Equity~~  
Department of the Environment.

**SECTION 2.** The appointment and confirmation of Angela Tovar as Chief Sustainability Officer of the Office of Climate and Environmental Equity by the City Council on September 14, 2023, shall be recognized as the appointment and confirmation of Angela Tovar as the Chief Sustainability Officer for the Department of the Environment.

**SECTION 3.** No later than July 1, 2024, the Chief Sustainability Officer shall make recommendations to the Mayor and the Committee on Environmental Protection and Energy as to what duties beyond the ones articulated in Chapter 2-31 the Department of the Environment should have.

### **ARTICLE III. DEPARTMENT OF STREETS AND SANITATION AMENDMENTS**

**SECTION 1.** Chapter 2-100 of the Municipal Code of Chicago is hereby amended by striking all article headings.

**SECTION 2.** Section 2-100-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and deleting the language struck through, as follows:

#### **2-100-030 Commissioner – Powers and duties.**

The Commissioner of Streets and Sanitation or the Commissioner's designee shall have the following duties:

~~(a) the supervision of the of the public ways of the city and the lighting thereof except where such improvement is to be paid for wholly or in part by special assessment; the cleaning of public ways and the removal of garbage, refuse and waste, and the removal of any article or thing which may encumber or obstruct any public way;~~

(b) to coordinate the utilization of operational equipment in the exercise of the authority to tow vehicles upon the demand of the Superintendent of Police or the Executive Director of Emergency Management and Communications for the purpose of carrying out traffic regulations;

(c) to enter into contracts with private towing operators for the purpose of towing vehicles located on the public way;

(d) the supervision, planting, and maintenance of parkways, trees, plants and shrubbery in the public ways;

(1) to superintend, regulate, and encourage the preservation, culture, and planting of shade and ornamental trees, plants, and shrubbery in the public ways of the city;

(2) to prune, spray, cultivate, and otherwise maintain such trees, plants, and shrubbery, and to direct the time and method of trimming the same;

(3) to advise, without charge, owners and occupants of lots regarding the kind of trees, plants, and shrubbery and the method of planting best adapted to, or most desirable on, particular streets;

(4) take such measures as may be deemed necessary for the control and extermination of insects and other pests and plant diseases which may injuriously affect trees, plants, or shrubs that are now growing on the public ways of the city;

(5) report to the Corporation Counsel all cases which come to his knowledge of violations of provisions of this Code respecting trees, plants, and shrubbery;

(6) the establishment and maintenance of a managed native and pollinator garden registry as provided in Section 10-32-055;

(e) to keep a record of all transactions of the office, subject to such rules as the Commissioner of Streets and Sanitation may prescribe, and whenever the Commissioner of Streets and Sanitation may require, make a full and detailed report of such transactions;

~~the administration and operation of the Chicago skyway toll bridge; and the installation and inspection of all electrical equipment not specifically provided for by other sections of this ordinance.~~

(f) the administration of programs for the extermination of insects, rodents, or other pests;

(g) the removal of snow from streets, street sweeping, lot cleaning, and graffiti removal.

(h) The Commissioner of Streets and Sanitation or the Commissioner's designee is authorized to negotiate and enter into intergovernmental agreements, which may include an obligation to indemnify, with the Chicago Park District in order to provide or receive services related to rodent control, snow removal, refuse removal, and other services within the scope of duties of the Department of Streets and Sanitation, with respect to property located within the city boundaries.

**SECTION 3.** Article II of Chapter 2-100, entitled "Bureau of Streets," including the sections within it, is hereby repealed.

**SECTION 4.** Article V of Chapter 2-100, entitled "Bureau of Traffic Services," including the section within it, is hereby repealed.

**SECTION 5.** Sections 2-100-040, 2-100-050, 2-100-090, 2-100-100, 2-100-170, 2-100-190, 2-100-190, 2-100-200, and 2-100-210 are hereby repealed.

**SECTION 6.** Section 7-28-315 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**7-28-315 Removal of litter from a retail establishment's parking area.**

(a) Every person owning, managing or controlling any retail establishment with an adjacent parking area provided for customer use shall cause to be removed at his own expense all litter located in the parking area. ~~The removal shall be in accordance with the provisions of this Code and the rules and regulations of the department of health related to the removal and disposition of litter.~~ It shall be the duty of the owner or manager to cause all litter placed in the litter baskets to be deposited daily in the retail establishment's commercial refuse container for removal by a licensed scavenger.

*(Omitted text is unaffected by this ordinance)*

(c) Unremoved litter is hereby declared to be a public nuisance. It shall be the duty of the ~~commissioner of streets and sanitation~~ Commissioner of Streets and Sanitation or a designee to serve notice in writing by certified mail upon the owner or manager where a nuisance may be found, requiring him to abate the nuisance within three days from the date of receipt of notice. The ~~commissioner~~ Commissioner may prescribe in his notice the manner in which any nuisance shall be abated. If the owner or manager fails within three days from the date of notice to abate the nuisance, or if the owner or manager is unknown or cannot with due diligence be found, the ~~commissioner~~ Commissioner may proceed to abate the nuisance or seek to enjoin the nuisance. In addition to any fine or penalty, an amount equal to three times the cost or expense incurred by the city in abating a nuisance may be recovered in an appropriate action instituted by the ~~corporation counsel~~ Corporation Counsel. Nothing in this section shall be construed to prevent the City of Chicago from acting without notice to abate a nuisance in an emergency where the nuisance poses an immediate threat to public health or safety, nor shall this section be construed to deny any common law right to anyone to abate a nuisance.

*(Omitted text is unaffected by this ordinance)*

**SECTION 7.** Section 7-28-730 of the Municipal Code of Chicago, which allows the Department of Streets and Sanitation and the Department of Buildings to abate rats on private property, is hereby repealed.

**SECTION 8.** Section 7-28-735 of the Municipal Code of Chicago, which allows the Department of Streets and Sanitation to cite the owner of a building occupied by a food establishment for the harborage of rodents, is hereby repealed.

#### **ARTICLE IV. MISCELLANEOUS**

**SECTION 1.** Section 2-8-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and deleting the language struck through, as follows:

**2-8-050 Aldermanic expense allowance.**

*(Omitted text is unaffected by this ordinance.)*

(19) Educational expenses, including courses of study, seminars, information and training programs; provided, that the subject matter is directly related to the alderman's official duties;

~~(20) Expenses related to the hiring and employment of staff;~~

~~(21)~~ (20) Publication of a newsletter or calendar that contains information about City services, events, recent developments, and other information pertinent to ward residents, provided such materials are made equally available to residents in the alderman's ward upon request and have no political content. Such expense shall not be considered a gift or donation prohibited under subsection (c) of this section;

~~(2221)~~ Reasonable charges and fees imposed by a financial institution for the maintenance and administration of the alderman's expense allowance account;

~~(2322)~~ Unless prohibited or restricted by an applicable collective bargaining agreement:

*(Omitted text is unaffected by this ordinance.)*

~~(2423)~~ Replacement residential garbage and recycling carts;

~~(2524)~~ Supplies provided directly to a local public school, park, or branch library. Such expenditures shall not be considered a gift or donation prohibited under subsection (c) of this section;

~~(2625)~~ Hosting a paper shredding or electronics recycling event, provided that such event is open to the public. Such expense shall not be considered a gift or donation prohibited under subsection (c) of this section;

~~(2726)~~ Rain Barrels. Such expense shall not be considered a gift or donation prohibited under subsection (c) of this section; and

~~(2827)~~ Payment of miscellaneous, ordinary and necessary expenses incurred in connection with the performance of an alderman's official duties.

*(Omitted text is unaffected by this ordinance.)*

**SECTION 2.** Section 2-102-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-102-030 Commissioner – Powers and duties.**

The Commissioner of Transportation shall have the following powers and duties:

*(Omitted text is unaffected by this ordinance)*

(w) To enter into: (1) intergovernmental agreements transferring or otherwise allocating jurisdiction over, and carrying out construction, maintenance and repairs to, public way and other public infrastructure; and (2) agreements with public utilities and railroads regarding construction, maintenance and repairs that impact their facilities upon or adjacent to public property; and, in connection with agreements entered into under this subsection, to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of duly appropriated funds, as shall be necessary or advisable in connection with the implementation of such agreements and any renewals thereto. Any such ~~intergovernmental~~ agreement may include provisions providing indemnification. The authority conferred in this subsection shall not include the ceding of governmental ownership of public way or the transfer of title to real estate.

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Section 4-60-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**4-60-040 License – Application and issuance procedures.**

(a) An application for a city City retailer's license for the sale of alcoholic liquor shall be made in conformity with the provisions of this chapter and the general requirements of Chapter 4-4 relating to applications for licenses. The ~~commissioner~~ Commissioner of business affairs and consumer protection Business Affairs and Consumer Protection shall assist the mayor or the mayor's designee as local liquor control commissioner in the exercise of the powers and the performance of the duties of the local liquor control commissioner.

*(Omitted text is unaffected by this ordinance)*

(c) (1) During the application process for a liquor license or for an expanded establishment amended liquor license, the applicant shall pay the license fee as required by Section 4-5-010, and, no later than 30 days after payment of the license fee, shall submit to the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection all required documentation, as prescribed by the rules ~~and regulations~~ of the department, necessary to complete the liquor license application. If the applicant submits all required documentation in a timely manner, the local liquor control commissioner shall review the application materials and any written objections to the granting of the license and shall approve or deny the application within 60 days after all required documentation has been submitted. If the applicant fails to submit all required documentation in a timely manner, the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection shall deem the application to be incomplete and shall suspend all further processing of the application unless the applicant reactivates the application within six months after payment of the license fee by (i) submitting all required documentation necessary to complete the application process, and (ii) paying a \$500.00 license application reactivation fee which the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection is authorized to assess. If the applicant reactivates the license application in accordance with the requirements of this subsection, the local liquor control commissioner shall review the application materials and any written objections to the granting of the license and shall approve or deny the application within 60 days after all required documentation has been submitted and the license application reactivation fee paid. If the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection deems the liquor license application to be incomplete and the applicant fails to reactivate the application in accordance with the requirements of this subsection, or, if the applicant withdraws the application, the application shall expire and the applicant shall forfeit the license fee and, if applicable, the license application reactivation fee. If the liquor license application expires or is withdrawn, a new application for a liquor license, accompanied by the license fee and all required documentation prescribed by the rules ~~and regulations~~ of the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection, shall be required to obtain a liquor license under this chapter.

(2) Prior to the approval or renewal of a liquor license, an applicant or licensee shall provide proof to the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection that the applicant or licensee has obtained liquor liability (dramshop) insurance for the operation of the premises described in such application or license in the aggregate amount of \$300,000.00, issued by an insurer authorized to insure in Illinois. The insurance policy required by this subsection shall be for a term of at least 12 months, and shall be co-

extensive with the first 12 months of the applicable license period. Thereafter, the licensee shall continue to maintain such insurance policy in full force and effect for the duration of the two-year license period. The licensee shall keep proof of the required insurance on the licensed premises at all times and, upon demand, shall produce such proof for inspection by an authorized city official. Each policy of insurance required under this subsection shall include a provision requiring 30 days' advance notice to the local liquor control commissioner prior to termination or lapse of the policy. Failure to comply with the requirements of this subsection shall be grounds for the suspension or revocation of the license for a single offense in accordance with the requirements of Section 4-4-280 of this Code.

*(Omitted text is unaffected by this ordinance)*

(d) Prior to the approval of a retailer's license for the sale of alcoholic liquor, each new applicant or manager of an applicant that is a corporation, limited liability company, partnership or club shall provide evidence to the local liquor control commissioner that such person has successfully completed a beverage alcohol sellers and servers education and training program (hereinafter "alcohol sellers training program") pursuant to the Illinois Alcoholism and Other Drug Dependency Act, as amended.

A copy of the certificate of completion from an "alcohol sellers training program" shall be posted in a conspicuous place within the licensed establishment of a person newly licensed to sell alcoholic liquor. The certificate of completion from an "alcohol sellers training program" shall be valid for a period of three years from its date of issuance. Each such person required to obtain the certificate provided herein shall renew such certificate every three years.

~~The department of business affairs and consumer protection shall maintain a list indicating the names and addresses of the "alcohol sellers training program" providers located within the City of Chicago and shall make such list available to the public.~~

(e) Upon payment of the license fee for a liquor license or for an expanded establishment amended liquor license, the ~~commissioner~~ Commissioner of Business Affairs and Consumer Protection shall, within five days thereafter, cause to be published ~~in a daily newspaper of general circulation in the city four times over a two-week period,~~ on the department's website in a location accessible to the general public a notice (i) stating that application has been made for a city City retailer's license for the sale of alcoholic liquor; and (ii) specifying the type of license sought by the applicant, the date the license fee was paid, the applicant's name, and the street number and location of the premises covered by the application. The notice shall also state that any objection to the granting of the license shall be made to the local liquor control commissioner, in writing, signed by the objector, within 35 days from the date the license fee was paid, and shall set forth the specific grounds of the objection. The publication may contain notice of more than one application for a license by different persons for different premises. ~~The cost of publishing the notice shall be paid by the applicant. In addition to the required license fee, the comptroller shall require the applicant to pay, at the time the license fee is paid, a sum sufficient to cover the cost of publication.~~

(f) Within five days after payment of the license fee for a liquor license or for an expanded establishment amended liquor license, the applicant shall cause to be posted at the location of the premises described in the application, in a place clearly visible from the public way, a notice in the form prescribed by the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection providing the information specified in subsection (e). The applicant shall maintain the notice in place until the local liquor control commissioner has made a decision on the application.

(g) Within five days after payment of the license fee for a liquor license or for an expanded establishment amended liquor license, the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection shall cause a written notice to be issued to the alderman of the ward in which the premises described in the application is located, providing the information specified in subsection (e) and the applicant's current telephone number.

**SECTION 4.** The City Council finds that protecting the safety and well-being of bus passengers, and of motorists and others in the vicinity of buses that are off-loading and onboarding passengers, by ensuring that boarding and alighting from buses is done in safe circumstances is an urgent matter pertaining to the government and affairs of the City of Chicago. Accordingly, Section 9-48-050 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**9-48-050 Buses – Stopping, standing and parking.**

(a) The driver of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers other than at a designated bus stop, bus stand, passenger loading zone, or bus terminal except in case of an emergency or as permitted in subsection (d) of this section.

(b) The driver of a bus shall enter a bus stop or passenger loading zone on a public way only in such a manner that the bus when stopped to load or unload passengers shall be in a position with the right front wheel of such bus not further than 18 inches from the curb, or 30 inches from the curb if the bus is lift- equipped, and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(c) When any lane is designated and appropriately indicated by signs and markings for shared use by buses and bicycles, a driver of a bus shall yield to a bicycle proceeding in the same direction until it is safe to overtake such bicycle.

(d) Subject to any restriction established pursuant to subsection (f), ~~¶~~the driver of a bus may stop such vehicle at any intersection of any street on which it has authority to operate between the hours of Midnight and 5:00 a.m. for the purpose of loading or unloading passengers.

(e) Except in case of an emergency or as ~~permitted in subsection (d)~~ or approved pursuant to subsection (f) of this section, a driver of an intercity bus shall not stop or park any intercity bus on Canal Street, between Adams Street and Jackson Boulevard for the purpose of loading or unloading of passengers, luggage or other goods. For the purpose of this section, "intercity bus" means any bus used for transportation of persons between the City of Chicago and locations outside of the Chicago-Naperville-Joliet, IL-IN-WI Metropolitan Statistical Area (M.S.A.) (as defined by the Director of the United States Office of Management and Budget), but shall not include buses of the Chicago Transit Authority or another component of the Regional Transportation Authority, including, but not limited to, the suburban bus commonly known as "Pace." The prohibition in this subsection shall not apply to intercity buses or shuttle buses that are exclusively used to transfer passengers to trains operated by the National Railroad Passenger Corporation, commonly known as "Amtrak" and/or the Northeast Illinois Rail Corporation, commonly known as "Metra" at Chicago Union Station.

(f) No owner or operator of any intercity bus shall use any designated bus stop, bus stand, or passenger loading/unloading zone or other location for regular loading or unloading of passengers, luggage or other goods without first obtaining the approval of the ~~commissioner~~ Commissioner. Application for such approval shall be made upon a form provided by the ~~commissioner~~ Commissioner, and shall contain the name and address of the applicant, the location of the proposed bus stop, bus stand, or passenger loading/unloading zone or other



location where such regular loading or unloading of passengers, luggage or other goods shall take place, the time of day and length of time any such bus shall stand in the proposed bus stop, bus stand, or passenger loading/unloading zone or other location, and the number of buses that shall leave from and come to the proposed bus stop, bus stand, or passenger loading/unloading zone or other location per day. Such application shall be signed by the applicant.

The ~~commissioner~~ Commissioner shall approve or deny the application no later than 30 days after the application was filed. The Commissioner's review of the application shall take place in consultation with the local alderperson, and shall take into consideration administrative efficiency and available resources, public safety, and orderly traffic flow, and a permit shall be subject to such conditions and restrictions that the Commissioner may impose in the Commissioner's sole discretion, including, without limitation, those addressing day/time availability of any such location(s), number of daily arrivals/departures to/from any such location(s), and advance notification requirements by the applicant. If the ~~commissioner~~ Commissioner denies the application, it shall be based upon a determination that the regular loading/unloading of passengers, luggage or other goods at that time, or in that particular designated bus stop, bus stand, or passenger loading/unloading zone or other location presents an unreasonable threat to the health, safety and welfare of the public or impedes the safe and efficient flow of traffic or imposes an unreasonable burden on available resources. If the ~~commissioner~~ Commissioner denies the application, ~~he~~ the Commissioner shall send by e-mail or U.S. mail a notification to the applicant in writing specifying the reasons for ~~his~~ the decision. Any applicant may seek review of the decision of the ~~commissioner~~ Commissioner denying such application in the manner provided by law. The loading or unloading of an intercity bus in violation of this subsection (f) shall subject the violator to a fine of no less than \$2,000 and no more than \$10,000. Each instance of unauthorized loading or unloading shall constitute a separate violation. The provisions of this subsection shall not apply to any bus used as "Charter/sightseeing vehicle" in conducting a "sightseeing tour" as that term is defined in Section 9-114-010 of this Code.

(g) Pursuant to Code Section 2-102-030(l), the Commissioner is authorized to issue any rules or policies necessary or useful to implement and enforce this section.

**SECTION 5.** Section 11-5-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and deleting the language struck-through, as follows:

**11-5-030 Contract with a private hauler – When required – Exemptions.**

*(Omitted text is unaffected by this ordinance)*

(c) Exemptions applicable to occupants of occupational units. The requirements set forth in item (2) of subsection (a) of this section shall not apply to the occupant of an occupational unit if: (1) the occupant's lease agreement provides for scavenger service sufficient to meet such occupant's waste generation and recyclable material collection needs; or (2) the occupant backhauls all of the recyclable material listed in Section 11-5-080 in accordance with the requirements set forth in Article V of this chapter; or (3) the occupant's occupational unit is located within a building whose owner holds a valid certificate of exemption issued under Section 11-5-050 for the building, to the extent of such exemption; or (4) the occupant holds a valid certificate of exemption issued under Section 11-5-040 for the occupational unit, to the extent of such exemption.

~~(d) Any person who violates this section or any rule promulgated thereunder shall be given a 30-day notice of noncompliance, and shall come into compliance with this section within~~

~~30 days of the date on which such notice is personally served, mailed, sent or otherwise provided.~~

(e) In addition to any other penalty provided by law, any person who violates this section or any rule promulgated thereunder shall be fined not less than \$500.00 nor more than \$1,000.00 for a first violation; not less than \$1,000.00 nor more than \$2,500.00 for a second violation within any 12-month period; and not less than \$2,500.00 nor more than \$5,000.00 for a third and each subsequent violation occurring within 12 months of the most recent violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

## ARTICLE V. HEALTH

**SECTION 1.** Section 2-112-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

### **2-112-100 Grants and other agreements.**

*(Omitted text is unaffected by this ordinance)*

(d) The Commissioner shall have the power to enter into contracts with health plans, insurance companies, and managed care entities for reimbursement for health care services provided by the department, including clinical, planning, data analysis, care coordination, quality improvement, and data sharing.

(e) Subject to approval of the Corporation Counsel as to form and legality, the Commissioner shall have the power to negotiate and enter into agreements with other government entities for the purpose of furthering public health initiatives, including, but not limited to, the placement of vending machines for dispensing harm reduction supplies, installation and operation of weather stations and air monitors to monitor air quality and pollution, and wastewater surveillance to monitor pathogens of public health concern. Any such agreement may provide for indemnification. Any City expenditure pursuant to such an agreement shall be subject to the availability of duly appropriated funds.

**SECTION 2.** Section 8-32-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

### **8-32-020 Definitions.**

When used in this chapter, the following terms have the stated definitions:

*(Omitted text is unaffected by this ordinance)*

"Mechanical stationary ~~source~~ equipment" means any single or group of machines or devices operated by fuel or electric power that does not change locations in the course of its use, including, but not limited to, air handling units and refrigeration units. Mechanical stationary ~~sources~~ equipment includes ~~sources~~ equipment on vehicles or trailers, including, but not limited to, generators, used when the vehicle or trailer is parked.

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Section 8-32-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**8-32-050 Remedies for violations.**

(a) Unless otherwise specifically provided, a violation of ~~the provisions of this~~ chapter is subject to a fine of \$300.00 for a first offense, \$500.00 for a second offense committed within a one-year period, and \$1,000.00 for a third or subsequent offense committed within a one-year period.

(b) ~~The superintendent~~ Superintendent of police ~~Police, or, in with respect to Section 8-32-090, the Commissioner of Health, or the superintendent's-~~ Superintendent's or Commissioner's designee, may require any person found liable for a violation of this chapter to submit a compliance plan, indicating measures taken or to be taken to prevent similar violations in the future. ~~Any such request must be responded to~~ The required compliance plan shall be submitted to the appropriate department within 30 days ~~of the order requiring it,~~ or such other time period as is set forth in the ~~request~~ order. Failure to respond as ~~requested~~ ordered shall be deemed an additional offense.

(c) If a person has submitted a compliance plan pursuant to subsection (b) of this section, and the compliance plan has been approved by the ~~superintendent~~ appropriate department, that person shall comply with the approved compliance plan unless an alternate plan is approved by the ~~superintendent~~ appropriate department.

(d) Nothing in this chapter shall be construed to impair any cause of action or legal remedy therefor of any person or the public for injury or damage arising from the emission of noise or earthshaking vibration in such place or manner, or at such levels, as to constitute a common law nuisance. Activity which is in accordance with a compliance plan does not absolve liability for activity in violation of this chapter.

**SECTION 4.** Section 8-32-090 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**8-32-090 Mechanical stationary sources.**

(a) No person shall operate or permit operation of any mechanical stationary ~~source~~ equipment in such a manner as to generate sound having a sound pressure level greater than 55 dB(A) when measured from a distance of 100 feet or more from the ~~source~~ mechanical stationary equipment, or 70 dB(A) when measured from a distance of 10 feet or more from the ~~source~~ mechanical stationary equipment. The place of measurement shall be ~~from the nearest adjacent public way, or nearest adjacent property, whichever is closer to the source~~ a location that is not on the same parcel of real property or premises on which the mechanical stationary equipment is located.

(b) Where mechanical stationary equipment is located on multiple buildings, structures, parcels of real property, or premises that have the same owner and are adjacent to each other, the owner is responsible for ensuring that the mechanical stationary equipment does not generate sound having a sound pressure level in violation of this section. The place of measurement shall be from a location that is not on any parcel of real property or premises on which the mechanical stationary equipment is located.

(c) The limitation contained in this section shall apply from 8:00 p.m. to 8:00 a.m., unless the mechanical stationary ~~source~~ equipment is subject to other operating hours pursuant to a permit or other written authorization issued by the Department of Health.

~~(e)~~ (d) The Commissioner of Health shall have authority to enforce this section.

~~(d)~~ (e) The Commissioner of Health is authorized to promulgate rules ~~and regulations~~ to enforce this section, including ~~regulations~~ rules specifying uniform noise mitigation procedures for air handling units and refrigeration units. Any properly maintained mechanical stationary equipment that complies with ~~procedures~~ rules adopted under this subsection shall be deemed to be in compliance with subsection (a) of this section.

~~(e)~~ (f) The limits set in subsection (a) of this section do not apply to sounds generated by a generator ~~employed~~ used during a loss of normal power supply to provide emergency electrical power.

~~(f)~~ (g) Any person found in violation of this section shall be fined not less than \$1,000.00 nor more than \$5,000.00 for each offense. Every day a violation occurs shall be a separate and distinct offense. Any owner or operator of mechanical stationary equipment found in violation of this section shall be jointly and severally liable for such penalties with any other owner or operator of the same mechanical stationary equipment.

**SECTION 5.** Section 11-4-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-040 Permit issuance or renewal – requirements.**

(a) In addition to the standards for permit issuance set forth elsewhere in this ~~Chapter~~ chapter, the ~~commissioner~~ Commissioner may deny an application for an initial or renewal permit or written authorization for the following reasons:

(1) where such application does not meet all applicable requirements set forth in the Code; and

(2) where the applicant has not paid all fees required by this Code and any outstanding debts owed to the City as debts are defined in subsection (a) of Section 4-4-150 of this Code.

(b) When an application for issuance or renewal of a permit is denied, the ~~commissioner~~ Commissioner shall send notice of such denial to the applicant ~~in accordance with the applicable provisions of subsection (d) of Section 11-4-025 of this Code, and provide any such permittee an opportunity to demand a hearing in accordance with the procedures set forth in subsection (e) of Section 11-4-025 of this Code~~ (i) by first class or priority mail, or express courier service at the person's residence address or, if the person is a business entity, at any mailing address identified for its registered agent or at its principal place of business; or (ii) by e-mail at the person's e-mail address or, if the person is a business entity, at the e-mail address identified for its registered agent; or (iii) by personal service, including personal service upon an employee or agent of the applicant at a place of business of the applicant or otherwise if such service is reasonably calculated to give the applicant actual notice.

(c) The applicant to whom a permit denial was issued pursuant to subsection (b) shall have 15 calendar days from the service date of the denial letter to notify the Commissioner, on the appropriate form as provided by the Commissioner, of the applicant's demand for a hearing. Failure to notify the Commissioner of a demand for a hearing in accordance with this subsection shall constitute a waiver of the opportunity for a hearing.

(d) Within 30 calendar days of receiving a demand for a hearing on the appropriate form as provided by the Commissioner, the Commissioner shall initiate an administrative hearing at the Department of Administrative Hearings, Environmental Safety and Consumer Affairs Hearings Division, and shall specify the basis for the permit denial. The Commissioner shall issue notice to the person demanding the hearing of the date, time, the location of the hearing, and the penalties for failure to appear at the hearing. Upon the conclusion of the hearing, in addition to a finding of liability or no liability on any alleged violations, and imposing

of applicable fines and penalties, the administrative law officer shall have the authority to affirm or vacate the Commissioner's denial decision.

~~(e)~~ (e) The ~~commissioner~~ Commissioner may impose reasonable permit conditions to protect the public health, safety or welfare of the city.

**SECTION 6.** Section 11-4-360 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-360 Enforcement – Interference with inspection.**

The ~~commissioner~~ Commissioner, or ~~anyone authorized to act for him the~~ Commissioner's designee, ~~in the performance of his performing the~~ duties imposed by this Code and for the purpose of enforcing and administering this chapter or any order, ~~regulation or~~ rule promulgated pursuant thereto, or for the purpose of obtaining facts with respect to any complaint or noncompliance, is hereby authorized and empowered to enter into any building, structure, establishment, premises or enclosure or other place at all reasonable hours for the purpose of inspecting any regulated equipment, area, site, or facility. ~~If any~~ Any person who in any way denies, obstructs, or hampers such entrance or inspection or refuses to provide requested information during inspection, violates this section and shall be subject to a fine of not less than \$1,000 nor more than \$10,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. ~~the commissioner~~ The Commissioner is hereby authorized to refuse the issuance of any certificate or permit for any regulated equipment, area, site, or facility with respect to which entrance or inspection has been denied in the event one has not been issued; or to revoke any outstanding certificate or permit issued for such regulated equipment, area, site, or facility.

**SECTION 7.** Section 11-4-765 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-765 Construction site cleanliness.**

(1) As used in this section:

*(Omitted text is unaffected by this ordinance)*

(c) ~~"General contractor" has the meaning ascribed to the term in Section 4-36-010 of this Code.~~ "General contractor" "Contractor" means the general contractor or other person generally responsible for the construction site and shall also include a subcontractor with respect to a violation of this section that is directly attributable to the subcontractor.

(d) "Litter" has the meaning ascribed to the term in Section 7-28-200 of this Code.

(2) All construction sites shall be governed by the following standards:

(a) The ~~general~~ contractor shall employ adequate wetting or other abatement measures to prevent the off-site dispersion of dust and debris from a construction site.

(b) All construction sites shall be enclosed and secured by a continuous chain link fence at least six feet in height which shall be anchored in a manner sufficient to resist wind loads of 30 pounds per square foot without deflection of more than three inches between the top and bottom of the fence. The ~~general~~ contractor may allow one gate to remain open while construction workers are performing construction activities on the construction site. The gate shall be no larger than is reasonably necessary to provide for truck access.

*(Omitted text is unaffected by this ordinance)*

(e) The ~~general~~ contractor shall immediately repair any damage to the construction site fence or mesh fabric and maintain the integrity and continuity of the fence for the duration of the project.

*(Omitted text is unaffected by this ordinance)*

(k) The ~~general~~ contractor shall take all necessary steps to ensure that dirt and debris from the construction site is not transmitted by vehicles leaving the site to the public way. Mitigation measures shall include, but are not limited to, stoning or paving of haul roads, wheel wash stations and street sweepers.

(l) For construction sites that are buildings or structures having four or more floors, the ~~general~~ contractor shall enclose with mesh fabric the floor areas where the ~~general~~ contractor is conducting construction activities, such as erecting, enlarging, altering, repairing, removing or demolishing on that floor.

*(Omitted text is unaffected by this ordinance)*

(3) Any person who violates this section shall be fined not less than \$750.00 nor more than \$1,000.00 for each offense. Any owner, developer or ~~general~~ contractor who is responsible for any construction site at which operations are conducted in violation of this section shall be liable for the penalties provided by this section, and shall be jointly and severally liable for such penalties with any subcontractor to which a violation is directly attributable. The Department of Health and the Department of Streets and Sanitation shall each have the power to enforce this section.

*(Omitted text is unaffected by this ordinance)*

**SECTION 8.** Section 11-4-810 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-810 Violations and fines.**

(a) In addition to any penalty imposed by Section 11-4-800 of this article, and in addition to permanent or temporary injunctive relief that the City may seek in the Circuit Court of Cook County, whenever a facility is in violation of any term or condition of an air pollution control permit, certificate of operation, any section of this article, or any rule ~~or regulation~~ promulgated pursuant to this article, the following penalties shall apply:

(1) Any owner or operator of any regulated equipment or area who fails to comply with the requirement to timely submit to the ~~department~~ Department a complete self-certification form as required in Section 11-4-690 of this Code, shall be fined not less than \$3,500.00 nor more than \$5,000.00;

*(Omitted text is unaffected by this ordinance)*

(6) Any person who causes or allows air pollution in violation of Section 11-4-730 of this Code or, any person who violates the substantive emission standards provided in Part C of this article or any rule promulgated thereunder, or the emissions limitations set forth in

Section 11-4-990, shall be fined not less than \$1,000.00 nor more than \$5,000.00, provided, however, that if the violation occurs at a facility that meets the criteria for a Category A1 or Category A2 Certificate of Operation under Section 11-4-680, or is associated with a demolition of one or more non-residential large structures, then the person shall be fined not less than \$5,000.00 nor more than \$10,000.00 for a first offense, not less than \$10,000.00 nor more than \$15,000.00 for a second offense occurring within two years, and not less than \$15,000.00 nor more than \$20,000.00 for any subsequent offense occurring within two years of two previous offenses. If a violation results in injury or death, or is a result of willful and wanton conduct, the fine may be increased to up to \$50,000.00 for any offense;

*(Omitted text is unaffected by this ordinance)*

**SECTION 9.** Section 11-4-1905 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-1905 Construction or demolition site waste recycling.**

- (1) For purposes of this section, the term(s):
- (a) "Contractor" means a general contractor ~~as defined in Section 4-36-010~~ and shall also include any person engaged in the demolition or wrecking of a structure for which a permit is required under Section 14A-4-401 or 14-A-4-407.

*(Omitted text is unaffected by this ordinance)*

(d) "Recycler" means a recycling facility, transfer station or other waste handling facility permitted pursuant to Section 11-4-250 of this Code which accepts construction and demolition debris for recycling or for further transfer to a ~~reeycling~~ recycling facility.

(e) "Reuse" means (i) the on-site use of reprocessed construction and demolition debris if such on-site use is authorized in writing by the ~~commissioner~~ Commissioner pursuant to Section 11-4-1935 of this Code; and (ii) the off-site redistribution of a material which would otherwise be disposed of, for use in the same or similar form as it was produced.

*(Omitted text is unaffected by this ordinance)*

- (3) The following projects are subject to this section:
- (a) Construction of a new residential building with four or more units.
- (b) Construction of a new non-residential building, other than projects for which the total square footage is 4,000 square feet or less.
- (c) Any rehabilitation of a building that will require a certificate of occupancy to issue from the ~~department of buildings~~ Department of Buildings.

*(Omitted text is unaffected by this ordinance)*

- (4) Certification of Compliance and Enforcement.
- (a) Within 30 days of completion of a project meeting the requirements of subsection (3) of this section, the contractor shall submit documentation as described herein to report compliance with this section and ~~regulations~~ rules promulgated thereunder. The documentation required under this subsection (4)(a) shall be in a form prescribed by the

~~commissioner of health~~ Commissioner of Health and consist of notarized affidavits from the contractor and the waste-hauler or recycler for the project certifying the extent to which the project complies with subsection (2).

(b) (i) The certificate of occupancy for a project subject to this section may be withheld until the applicant submits either (A) the required documentation, including, where applicable, proof that any fine due under subsection (6) of this section has been paid in full, or (B) proof of a written request for a hearing on the applicability of this section and/or the amount of fine due, which hearing shall be conducted in the ~~department of administrative hearings~~ Department of Administrative Hearings.

(ii) Notwithstanding the foregoing subparagraph (i) if a contractor is unavailable or refuses to provide the required documentation, property owner may obtain a certificate of occupancy by submitting a waiver application supported by an affidavit that the contractor is unavailable or refuses to provide the required documentation.

*(Omitted text is unaffected by this ordinance)*

(5) The ~~commissioner of health~~ Commissioner of Health may promulgate such rules and regulations as necessary to implement the provisions of this section.

*(Omitted text is unaffected by this ordinance)*

**SECTION 10.** Section 11-4-1935 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-1935 Construction site reprocessing authorization.**

(a) (1) Written authorization required. No person shall engage in the reprocessing of reprocessible construction/demolition materials or the temporary storage of reprocessed materials in the City without having first obtained a written construction site reprocessing authorization from the Commissioner. Application for a construction site reprocessing authorization shall be made on forms provided by the Commissioner for such purpose. Applicants shall provide the following information:

*(Omitted text is unaffected by this ordinance)*

(2) Conditions for issuance of authorization. Except as otherwise provided in subsection (a)(3) and subsection (a)(4) of this section, the Commissioner shall not issue a construction site reprocessing authorization unless all of the following requirements are met:

(i) the construction/demolition material to be reprocessed does not contain lead, asbestos or any other hazardous material ~~of the type that renders recycling of such material illegal or impossible~~; and

(ii) all reprocessing of such construction/ demolition material occurs on the site at which the demolition occurred; and

(iii) the reprocessed construction/demolition material is used solely on the site at which the demolition occurred for construction activities occurring on such site or as demolition fill material as defined in Section 11-4-2150; and

(iv) the contractor is in compliance with the setback requirements for equipment and materials set forth in subsection (a)(5) of this section.



*(Omitted text is unaffected by this ordinance)*

**SECTION 11.** Section 11-4-2150 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**11-4-2150 Environmental standards related to the demolition, renovation, asbestos abatement and maintenance, sandblasting, chemical washing, and grinding of buildings, facilities or other structures.**

*(Omitted text is unaffected by this ordinance)*

(b) *Definitions.* For purposes of this article, the following terms shall have the following meanings:

*(Omitted text is unaffected by this ordinance)*

*Tank* means a stationary device, designed to contain a material and which is constructed primarily of non-earthen materials (e.g., wood, concrete, plastic, fiberglass, steel, etc.) to provide structural support.

*Uncontaminated* means the absence of lead, asbestos, or any other hazardous material or contaminants in concentrations that pose a threat to human health and safety and the environment.

*Working day* means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

**SECTION 12.** Section 11-4-2190 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**11-4-2190 Sandblasting, grinding and chemical washing of buildings, facilities or other structures; permit and notification requirements; performance standards for lead paint abatement; and disposal of debris.**

*(Omitted text is unaffected by this ordinance)*

(g) *Dust minimization – Containment, wetting, or vacuuming; plan required.*

(1) Dust generated from any sandblasting, grinding, or chemical washing operation shall be minimized through the use of dust containment, wetting, vacuum attachment, or other such mechanical means as appropriate.

(2) A written dust minimization plan shall be prepared prior to beginning any work and the plan shall be implemented throughout the sandblasting, grinding, or chemical washing operation.

(3) A copy of the dust minimization plan shall be maintained at the site throughout the course of the operation and shall be made available to the Commissioner or the Commissioner's designees upon request.

*(Omitted text is unaffected by this ordinance)*

**SECTION 13.** Section 11-4-2200 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-2200 Violations – Public nuisance – Civil penalties – Joint and several liability.**

(a) *Civil penalties.* Violation of any of the provisions of this article is hereby declared to be a public nuisance. Any person found to have violated any of the provisions of this article shall be assessed a civil penalty in accordance with the following schedule.

Schedule:

<i>Violation Type</i>	<i>Residential Structures with Four or Fewer Units</i>	<i>Residential Structures with More than Four Units</i>	<i>All Other (Non Residential) Facilities, Structures or Architectural Surfaces</i>
Failure to file a notice of intent and obtain required Department approval pursuant to Section 11-4-2170(a), <u>failure to have a properly licensed asbestos abatement contractor on site during the demolition pursuant to 11-4-2170(a),</u> or failure to obtain approved permit pursuant to Section 11-4-2190(a)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
<i>(Omitted text is unaffected by this ordinance)</i>			

*(Omitted text is unaffected by this ordinance)*

**SECTION 14.** Section 11-4-2530 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-2530 Permit – Application.**

Application for a permit for a recycling facility or an urban farm accessory composting operation shall be made to the ~~commissioner on forms provided~~ Commissioner in a manner specified by the ~~commissioner~~ Commissioner for such purpose. Applicants shall provide the following information at a minimum:

*(Omitted text is unaffected by this ordinance)*

(l) Any other information requested by the ~~commissioner~~ Commissioner.

It is a condition of the permit that all information in the permit application be kept current. Any change in required information shall be reported to the ~~commissioner, on a form provided~~ Commissioner, in a manner specified by the ~~department~~ Department, no later than ten business days after such change has occurred.

**SECTION 15.** Section 11-4-2535 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**11-4-2535 Annual report required.**

(a) Any person who requires a permit under Section 11-4-2520 to operate or maintain a recycling facility shall submit to the ~~commissioner of the department of streets and sanitation~~ Commissioner a written annual report summarizing all recycling activities occurring at the facility during each calendar year. The annual report required under this section shall be submitted by such person to the department no later than February 28th of each year, following the calendar year to which such report relates. Such report shall contain the following data and information:

*(Omitted text is unaffected by this ordinance)*

(6) any other information that the ~~commissioner of streets and sanitation~~ Commissioner may require to implement the requirements of this chapter and ~~Chapter 11-5 of this Code.~~

(b) Penalties imposed for violations of this section shall be as provided in Section 11-4-030 of this Code.

**ARTICLE VI. CONSUMER FRAUD**

**SECTION 1.** Section 1-22-050 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**1-22-050 Subpoenas.**

(a) *In general.*

(1) *Issuance and service.* Whenever the ~~corporation counsel~~ Corporation Counsel has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation, the ~~corporation counsel~~ Corporation Counsel may, before commencing a civil proceeding under this chapter, issue in writing and cause to be served upon such person, a subpoena requiring such person:

- (A) to produce such documentary material for inspection and copying,
- (B) to answer, in writing, written interrogatories with respect to such documentary material or information,
- (C) to give oral testimony concerning such documentary material or information, or
- (D) to furnish any combination of such material, answers, or testimony. Whenever a subpoena is an express demand for any product of discovery, the ~~corporation counsel~~ Corporation Counsel shall cause to be served,

in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and shall notify the person to whom such demand is issued of the date on which such copy was served.

(2) *Contents and deadlines.* Each subpoena issued under paragraph (1):

*(Omitted text is unaffected by this ordinance)*

(F) Shall advise that the person has 20 days from the date of service or up until the return date specified in the demand, whichever date is earlier, to move, to modify, or set aside the subpoena pursuant to subparagraph (j)(2)(A) of this section, and that failing to do so waives any non-jurisdictional defenses to enforcement of the subpoena.

(b) *Protected material or information.*

(1) *In general.* A subpoena issued under subsection (a) may not require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under:

(A) the standards applicable to subpoenas or subpoenas duces tecum issued by a court of this state to aid in a grand jury investigation; or

(B) the standards applicable to discovery requests under the ~~code~~ Code of civil procedure Civil Procedure, to the extent that the application of such standards to any such subpoena is appropriate and consistent with the provisions and purposes of this section.

*(Omitted text is unaffected by this ordinance)*

(c) *Service in general.* Any subpoena issued under subsection (a) may be served by any person so authorized by the ~~corporation counsel~~ Corporation Counsel or by any person authorized to serve process on individuals within Illinois, through any method prescribed in the ~~code~~ Code of civil procedure Civil Procedure or as otherwise set forth in this chapter.

(d) *Service upon legal entities and natural persons.*

(1) *Legal entities.* Service of any subpoena issued under subsection (a) or of any petition filed under subsection (j) may be made upon a partnership, corporation, association, or other legal entity by:

(A) delivering an executed copy of such subpoena or petition to any partner, executive officer, managing agent, general agent, or registered agent of the partnership, corporation, association or entity;

(B) delivering an executed copy of such subpoena or petition to the principal office or place of business of the partnership, corporation, association, or entity; or

(C) depositing an executed copy of such subpoena or petition in the United States mails by registered or certified mail, with a return receipt requested, addressed to such partnership, corporation, association, or entity as at its principal office or place of business; or-

(D) emailing an executed copy of the subpoena or petition to the partnership, corporation, association, or entity to an email address identified on the website of the partnership, corporation, association, or entity or, if no such email address exists, to any email address reasonably calculated to apprise the partnership, corporation, association, or entity of the subpoena or petition.

(2) *Natural person.* Service of any such subpoena or petition may be made upon any natural person by:

- (A) delivering an executed copy of such subpoena or petition to the person; or
- (B) depositing an executed copy of such subpoena or petition in the United States mail by registered or certified mail, with a return receipt requested, addressed to the person at the person's residence or principal office or place of business; or
- (C) leaving an executed copy of such subpoena or petition at the person's usual place of abode, with a member of the family or an individual residing there, of the age of 13 years or upwards, and informing that individual of the contents of the summons, provided the individual making service shall also send an executed copy of the subpoena or petition in a sealed envelope with postage fully prepaid, addressed to the person at the person's usual place of abode; or
- (D) emailing an executed copy of the subpoena or petition to the person at any email address reasonably calculated to apprise the person of the subpoena or petition.

(e) *Proof of service.* A verified return by the individual serving any subpoena issued under subsection (a) or any petition filed under subsection (j) setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena or petition. In the case of service by email, the return shall be accompanied by the email attaching the subpoena or petition.

(f) *Documentary material.*

*(Omitted text is unaffected by this ordinance)*

(2) *Production of materials.* Any person upon whom any subpoena for the production of documentary material has been served under this section shall make such material available for inspection and copying to the ~~corporation counsel~~ Corporation Counsel at the place designated in the subpoena, or at such other place as the ~~corporation counsel~~ Corporation Counsel and the person thereafter may agree and prescribe in writing, or as the court may direct under subsection (j)(1). Such material shall be made so available on the return date specified in such subpoena, or on such later date as the ~~corporation counsel~~ Corporation Counsel may prescribe in writing. Such person may, upon written agreement between the person and the ~~corporation counsel~~ Corporation Counsel, substitute copies for originals of all or any part of such material.

*(Omitted text is unaffected by this ordinance)*

(h) *Oral examinations.*

(1) *Procedures.* The examination of any person pursuant to a subpoena for oral testimony served under this section shall be taken before an officer authorized to administer oaths and affirmations by the laws of this state or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall, personally or by someone acting under the direction of the officer and in the officer's presence, including by video conference, record the testimony of the witness. The testimony shall be taken stenographically and shall be transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a certified copy of the transcript of the testimony in accordance with the instructions of the ~~corporation counsel~~ Corporation Counsel. This subsection shall not preclude the taking of testimony by any means

authorized by, and in a manner consistent with, the ~~code~~ Code of civil procedure Civil Procedure.

(2) *Persons present.* The investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the attorney for and any other representative of the City, any person who may be agreed upon by the attorney for the city City and the person giving the testimony, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

(3) *Where testimony taken.* The oral testimony of any person taken pursuant to a subpoena served under this section shall be taken in the county within which such person resides, is found, or transacts business, by video conference, or in such other place as may be agreed upon by the ~~corporation counsel~~ Corporation Counsel and such person.

(4) *Transcript of testimony.* When the testimony is fully transcribed, the ~~corporation counsel~~ Corporation Counsel or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to review and correct the transcript, in accordance with the rules applicable to deposition witnesses in civil cases. Upon payment of reasonable charges, the ~~corporation counsel~~ Corporation Counsel shall furnish a copy of the transcript to the witness, except that the ~~corporation counsel~~ Corporation Counsel may, for good cause, limit the witness to inspection of the official transcript of the witness' testimony.

*(Omitted text is unaffected by this ordinance)*

(i) *Custodians of documents, answers, and transcripts.*

(1) *Designation.* The ~~corporation counsel~~ Corporation Counsel, or his designees, shall serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section.

(2) Except as otherwise provided in this section, no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, while in the possession of the custodian, shall be available for examination by any individual, except as determined necessary by the ~~corporation counsel~~ Corporation Counsel and subject to the conditions imposed by him or her for effective enforcement of the laws of this city City, or as otherwise provided by court order.

*(Omitted text is unaffected by this ordinance)*

(j) *Judicial proceedings.*

(1) *Petition for enforcement.* Whenever any person fails to comply with any subpoena issued under subsection (a), or whenever satisfactory copying or reproduction of any material requested in such demand cannot be done and such person refuses to surrender such material, ~~corporation counsel~~ Corporation Counsel may file, in the circuit court of any county in which such person resides, is found, or transacts business, or the circuit court of the county in which an action filed pursuant to Section 1-22-030 is pending if the action relates to the subject matter of the subpoena and serve upon such person a petition for an order of such court for the enforcement of the subpoena. In any action brought under this subsection, the Corporation Counsel may petition the court to grant any one or more of the following remedies:

(A) grant injunctive relief restraining the sale or advertisement of any merchandise by the person or the conduct of any trade or commerce that is involved;

(B) revoke or suspend any license, permit, or certificate issued to such person that is used to further the allegedly unlawful act or practice;

(C) order the person to pay the City's reasonable attorney's fees and costs enforcing the subpoena;

(D) order the person to pay a fine to the City not to exceed \$1,000 per day that the person unreasonably failed to comply with the subpoena in whole or in part; and

(E) grant other relief as may be required until the person obeys the subpoena.

(2) *Petition to modify or set aside subpoena.*

(A) Any person who has received a subpoena issued under subsection (a) may file, in the ~~circuit court~~ Circuit Court of Cook County ~~any county within which such person resides, is found, or transacts business, and~~ serve upon the ~~corporation counsel~~ Corporation Counsel a petition for an order of the court to modify or set aside such subpoena. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the circuit court of the county in which the proceeding in which such discovery was obtained is or was last pending. Any petition under this subparagraph (A) must be filed:

(i) within 20 days after the date of service of the subpoena, or at any time before the return date specified in the subpoena, whichever date is earlier, or

(ii) within such longer period as may be prescribed in writing by ~~corporation counsel~~ Corporation Counsel.

If the person does not file a petition under this subparagraph (A) by the deadline specified in this subsection (J)(2)(A)(i), then the person waives any non-jurisdictional defenses to a petition seeking to enforce the subpoena under subsection (j)(1).

(B) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A), and may be based upon any failure of the subpoena to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the subpoena, in whole or in part, except that the person filing the petition shall comply with any portion of the subpoena not sought to be modified or set aside.

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Section 2-25-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**2-25-010 Definitions.**

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

"Commissioner" means the ~~commissioner~~ Commissioner of ~~business affairs~~ Business Affairs and ~~consumer protection~~ Consumer Protection.

"Consumer" means any person or business that purchases or contracts for the purchase of merchandise, services, or anything else of value.

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

"Trade" or "Business" means the advertising, distribution (including distribution for free), provision (including provision for free), offering for distribution, provision or sale, sale, or lease of

any good or service, of any property (tangible or intangible, real, personal, or mixed), and any other article, commodity, or thing of value, wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of the City.

**SECTION 3.** The changes in Section 2 of this ordinance are intended to confirm or clarify rather than change existing law. The amendments shall be made effective as if they were included in the enactment of the ordinance.

**SECTION 4.** Section 2-25-090 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**2-25-090 Prohibited acts – Consumer fraud, unfair competition or deceptive practices – Duty to enforce.**

(a) No person shall engage in any act of consumer fraud, unfair method of competition, or unfair or deceptive act or practice while conducting any trade or business in the city. Any conduct constituting an unlawful act or practice under the Illinois Consumer Fraud and Deceptive Business Practices Act, as now or hereafter amended, or constituting a violation of Chapter 5-8, Chapter 5-12, Section 7-4-040, Section 7-4-060, Section 8-4-325, or any other section of this Code relating to business operations or consumer protection, shall be a violation of this section. In construing this section, consideration shall be given to court interpretations relating to the Illinois Consumer Fraud and Deceptive Business Practices Act, as amended. In construing this section, consideration shall also be given to the interpretations of the Federal Trade Commission and the federal courts relating to Section 5(a) of the Federal Trade Commission Act, 15 U.S.C.A., Section 45. Where this section provides broader authority than the Illinois Consumer Fraud and Deceptive Business Practices Act or the Federal Trade Commission Act, limitations provided in those Acts shall not constrain the City's authority under this section. Nothing in this section shall be construed as permitting the regulation of any business to the extent that such regulation is not permitted under the statutory or home rule powers of the ~~city~~ City.

(b) Except as stated in sections (e) and (g), ~~The commissioner~~ the Commissioner shall be charged with enforcement of this section. The Commissioner ~~and~~ shall construe this section in accordance with the requirements set forth in subsection (a) of this section.

(c) Compliance with applicable rules and regulations promulgated pursuant to the Consumer Fraud and Deceptive Business Practices Act and with court interpretations relating to such Act shall be an absolute defense to a finding of a violation of this section, except when those rules, regulations, or interpretations are inconsistent with this Chapter. Compliance with applicable Federal Trade Commission rules, regulations and guidelines, and with interpretations by the Federal Trade Commission and the federal courts relating to Section 5(a) of the Federal Trade Commission Act, 15 U.S.C.A. Section 45, shall be an absolute defense to a finding of a violation of this section, except when those rules, regulations, or interpretations are inconsistent with this Chapter.

(d) If it appears to the ~~commissioner~~ Commissioner, after receiving a written complaint or otherwise, that a person has engaged in, is engaging in or is about to engage in a practice that is in violation of this section, the ~~commissioner~~ Commissioner may, after serving a 14-day notice:

(1) require such person to file, on such terms as the ~~commissioner~~ Commissioner may prescribe, a written statement or report setting forth all relevant and material information pertaining to the allegation(s) set forth in any complaint;



(2) examine any person in connection with relevant and material issues concerning the conduct of any trade or business;

(3) examine any merchandise or sample thereof, or any record, book, document, account or paper relevant and material to such inquiry; and

(4) retain, in the ~~commissioner's~~ Commissioner's possession, copies of any record, book, document, account, paper or sample of merchandise that is produced in accordance with this section until the completion of all proceedings in connection with which such copy or copies are produced.

(e) Whenever the ~~corporation counsel~~ Corporation Counsel has reason to believe that a violation of this section has occurred, the ~~corporation counsel~~ Corporation Counsel may issue in writing and cause to be served a subpoena in accordance with the procedures of Section 1-22-050.

(f) If, after completing an investigation pursuant to this section, the ~~commissioner~~ Commissioner determines that a person has engaged in, is engaging in, or is about to engage in a practice prohibited by this section, the ~~commissioner~~ Commissioner may:

(1) order such person to discontinue the prohibited practice;

(2) order such person to pay restitution to persons aggrieved by the practice;

(3) request that the ~~mayor~~ Mayor take action under Section 4-4-280 of this Code to revoke or suspend such person's license;

(4) request the ~~corporation counsel~~ Corporation Counsel to bring an action for injunctive relief or such other equitable relief that the ~~commissioner~~ Commissioner deems to be appropriate.

(g) Whenever the Corporation Counsel has reason to believe that a violation of this section has occurred, the Corporation Counsel may bring a civil action for all available relief, including fines as set forth in subsection (h), restitution, disgorgement, equitable, injunctive, declaratory relief, and attorney's fees and costs.

(h) Except as otherwise provided in this chapter, and in addition to any other penalty provided by law, any person who violates any of the requirements of this section shall be subject to a fine of not less than \$500.00 nor more than \$10,000.00 for each offense. Each day that a violation continues or occurred, and each violation committed per day, shall constitute a separate and distinct offense to which a separate fine shall apply. In determining the amount of a fine, consideration shall be given to the violator's degree of culpability, any history of similar conduct, the violator's ability to pay, and other matters as justice may require.

(h i) Alleged violations of this section may be adjudicated and relief may be awarded by a court of competent jurisdiction, the Department of Administrative Hearings, or the Commissioner. Prosecution of a violation of this section does not preempt the ~~city~~ City from prosecution under any other ordinance that the Commissioner or the corporation counsel Corporation Counsel are is authorized to enforce.

**SECTION 5.** Except for the provision in subsection (g) of Section 2-25-090 that authorizes the Corporation Counsel to recover attorneys' fees and costs, the remainder of the changes in Section 4 of this ordinance are intended to confirm rather than change existing law. The amendments shall be made effective as if they were included in the enactment of the ordinance.

## **ARTICLE VII. PHASE OUT OF METAL TAXICAB MEDALLIONS**

**SECTION 1.** Section 9-112-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-010 Definitions.**

For purposes of this chapter the following definitions shall apply:

*(Omitted text is unaffected by this ordinance)*

"License broker" means any person who acts as an authorized agent in negotiating the transfer of a license or negotiating a loan secured or to be secured by an encumbrance upon transfer of a medallion license.

"License decal" means a sticker furnished by the Commissioner for outward-facing display as the physical representation of a license to operate as a taxicab.

"License manager" means any person who assumes or undertakes any or all of the responsibilities of the licensee, including, but not limited to, those responsibilities relating to the leasing of the taxicab vehicle.

"Licensee" means any person to whom the City has issued a license pursuant to this chapter.

~~"Medallion" means the metal plate, furnished by the Commissioner, for display on the outside hood of a taxicab, as the physical representation of a license to operate as a taxicab.~~

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Section 9-112-270 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-270 Medallion License decal to be affixed.**

(a) In the case of taxicabs, the department Department shall affix a medallion license decal, as the physical representation of the license, to the exterior hood of the taxicab in such location and manner as to be easily visible from outside the vehicle. The metal plate license decal shall change in size and shape appearance for each licensing term and shall contain the period for which the license is issued and the identification number of the taxicab. The Department shall issue license decals as a replacement for metal plate medallions.

**SECTION 3.** Section 9-112-280 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-280 Unlawful to operate vehicle without metal plate.**

It shall be unlawful for any person to operate a taxicab vehicle without ~~the metal plate~~ (i) a license decal for the current licensing term affixed to the vehicle or (ii) written authorization from the ~~commissioner~~ Commissioner to operate without a ~~metal plate~~ license decal.

**SECTION 4.** Section 9-112-290 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-290 Tampering with metal plate license decal unlawful – Penalty.**

It shall be unlawful for any person to make unauthorized alterations to, affix, or reaffix ~~the metal plate~~ a license decal to any vehicle or to cause any other person to do so. Any licensee in violation of this section shall be subject to license revocation.

**SECTION 5.** Section 9-112-300 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-300 Replacement of damaged or ~~stolen metal plates~~ missing license decal – Fee.**

The ~~department~~ Department shall charge the licensee for the ~~costs~~ fee to reaffix, repair, and replace any ~~metal plate~~ license decal. The Commissioner shall set the fee by rule. ~~These costs shall be set by the commissioner's rules.~~

**SECTION 6.** Section 9-112-310 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-310 License card.**

In addition to the ~~metal plate~~ license decal, the ~~commissioner~~ Commissioner shall provide a license card for each licensed taxicab vehicle. This license card must be displayed in a conspicuous place inside the taxicab vehicle to be clearly visible to a passenger. At a minimum, this license card shall contain the name of the ~~medallion~~ license holder and the ~~medallion~~ license number of the vehicle. The chauffeur license of the driver of the taxicab must also be displayed next to the license card. The ~~commissioner~~ Commissioner may promulgate rules for additional conditions of display and for replacement card fees.

**SECTION 7.** Section 9-112-370 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-370 Suspension or revocation of license – Fines – Equitable relief.**

(a) If any taxicab vehicle shall become unsafe for operation or if its body or seating facilities shall be so damaged, deteriorated, or unclean as to render the vehicle unfit for public use, the license therefor shall be suspended by the ~~commissioner~~ Commissioner until the vehicle shall be made safe for operation and its body and seating facilities reconditioned, repaired, or replaced as directed by the ~~commissioner~~ Commissioner. In determining whether any taxicab vehicle is unfit for public use, the ~~commissioner~~ Commissioner shall give consideration to its effect on the safety, health, comfort, and convenience of the drivers and passengers, and its public appearance on the streets of the city.

(b) Except as otherwise provided in this ~~code~~ Code, the ~~commissioner~~ Commissioner may seek all applicable penalties, including but not limited to fines, license suspension, and/or license revocation in addition to restitution or other equitable relief against any licensee who violates any of the provisions of this chapter or any rules ~~or regulations~~ adopted pursuant to this chapter.

(c) The ~~commissioner~~ Commissioner shall promulgate rules ~~and regulations~~ regarding the lengths of suspension and the amounts of fines to be imposed, and the types of equitable relief to be ordered, for specific violations or license types. Before any suspension or revocation or fine is imposed, or equitable relief is ordered, the licensee shall be notified of the specific charges against him and of his right to a hearing in accordance with Chapter 2-14 of the Code.

(d) Upon suspension or revocation of a license and/or imposition of any fine for cause under the provisions of this chapter, the ~~commissioner~~ Commissioner shall remove the ~~metal plate license decal~~ and the license card from the vehicle. The ~~commissioner~~ Commissioner shall notify the ~~department~~ Department of ~~police~~ Police of every suspension or revocation and of the termination of any suspension. The ~~department~~ Department shall charge the licensee a fee for the costs to ~~reaffix, repair, and~~ replace the metal plate and to re-issue the license card, upon payment of fines and termination of suspension. The Commissioner shall set the fee for the costs by rule. ~~These costs shall be set by the commissioner's rules.~~

(e) If the ~~commissioner~~ Commissioner has information provided by a law enforcement agency or any court of law that a licensee has been charged with the commission of a felony, as defined in Article 2 of the Illinois Criminal Code of 1964 2012, as amended, arising in connection with the provision of taxicab vehicle services, the ~~commissioner~~ Commissioner shall immediately suspend all public passenger or taxicab licenses of the licensee until final adjudication is made with respect to such charges.

**SECTION 8.** Section 9-112-430 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-430 License and other taxicab industry license transfers.**

*(Omitted text is unaffected by this ordinance)*

(k) In the event of an individual licensee's death, the authority to operate granted under the license shall cease, and the license card and ~~medallion metal plate license decal~~ for each license owned or controlled by the deceased licensee must be surrendered by the individual in possession of the license card and the ~~medallion metal plate license decal~~.

*(Omitted text is unaffected by this ordinance)*

**SECTION 9.** Section 9-112-470 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

**9-112-470 Vehicle out of service – Notice to city required.**

Every taxicab shall be operated regularly to the extent reasonably necessary to meet the public demand for service. Licensees must notify the Commissioner if the service of any taxicab vehicle is discontinued for a period of 30 continuous days for any reason. Additionally, licensees must surrender the license card and the ~~metal plate medallion license decal~~ for any taxicab that is discontinued for a period of 30 continuous days for any reason. The Commissioner has the authority to demand that the licensee place into service a taxicab within five business days of the notice.

**SECTION 10.** Section 9-112-490 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-112-490 License number and driver identification – Display.**

Every taxicab shall have the taxicab vehicle license number painted in one of the following locations: (1) the center of the main panel of the rear doors of the vehicle, or (2) on the

rear panels of the vehicle if an advertising permit has been issued for the rear door. If the medallion licensee is affiliated with a taxicab affiliation, the affiliation's color scheme, name, and telephone number shall be substituted.

The ~~commissioner~~ Commissioner may also provide, pursuant to rule, that other information of interest to the public, including, but not limited to, the licensee's or taxicab affiliation's website or e-mail address and/or the current taximeter rates of fare be permanently and prominently affixed to the outside of the vehicle. No other name, number, emblem, or advertisement of any kind excepting signs or advertisements required or permitted by this chapter, official license emblems or a ~~metal plate~~ license decal shall be painted or carried so as to be visible on the outside of any taxicab unless otherwise required by state law.

**SECTION 11.** Section 9-114-100 of the Municipal Code of Chicago is hereby deleted as follows:

**~~9-114-100 License emblem to be affixed.~~**

~~The commissioner shall deliver with each license a license emblem which may contain (1) the words "Public Vehicle License" and "Chicago"; (2) the numerals designating the year for which the license is issued; and (3) a reproduction of the corporate seal of the city. The predominant background colors of such license emblems shall be different from the city wheel tax license emblem for the same year and shall be changed annually. The licensee shall affix, or cause to be affixed, the license emblem on the inside of the glass part of windshield.~~

**SECTION 12.** Section 9-114-140 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-114-140 License card.**

~~In addition to the license emblem, the commissioner~~ The Commissioner shall provide a license card for each licensed public passenger vehicle. This license card must be displayed in a conspicuous place inside on the dashboard of the public passenger vehicle. At a minimum, this license card shall contain the name of the licensee and the license number of the public passenger vehicle. The ~~commissioner~~ Commissioner is authorized to promulgate rules and regulations for additional conditions of license card display and for replacement license card fees.

The restricted chauffeur license of the driver of the public passenger vehicle must also be displayed next to the license card.

No person may operate a public passenger vehicle unless the license card and driver's restricted chauffeur license is displayed as provided in this section.

## ARTICLE VIII. WATER

**SECTION 1.** Section 3-12-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**3-12-050 Senior citizens exempted when.**

(a) Persons aged 65 or over, residing in their own residence with separate metered water service or a separate City water assessment for that residential unit, shall be exempt from payment of the sewer service charge for their residence. This exemption shall apply regardless of whether the person is in arrears in the payment of any refuse collection, water or sewer charges for the subject residence.

(b) Persons aged 65 or over who reside in their own residence but do not qualify for an exemption under subsection (a) because their residence is a townhouse, condominium unit or cooperative apartment that does not have separate metered water service or a separate City water assessment for the residential unit may apply for a refund in lieu of exemption pursuant to this subsection. The amount of such refund shall be \$50.00 per qualified residence for each calendar year.

In order to receive Application for a refund in lieu of exemption, an application shall be made to the City Comptroller, no later than August 1st of the ~~The application shall (i) be given to and received by the Comptroller in the same~~ calendar year for which a refund is requested, ~~(ii). The application shall be made on a form in a manner~~ prescribed by the Comptroller, and shall ~~(iii)~~ include such affidavits or other reasonable proof of qualifications for a refund that the Comptroller may require. If the Comptroller approves the refund, the Comptroller shall promptly pay the applicant a refund in the amount of \$50.00.

(c) Persons residing in residences qualified for an exemption or refund under this section shall qualify for the exemption or refund by the submission of a copy of the applicant's birth certificate, or the applicant's driver's license, state-issued identification card or the Matricula Consular identification card specified in Section 6-10-065 of the Code, showing the applicant is aged 65 or over; proof of their qualification for homeowners exemption; and proof of residency. The acceptable document to prove residency shall be a copy of a utility bill for the residence. Acceptable documents to prove home ownership shall be a copy of: (i) the deed to the residence, (ii) property tax bill, or (iii) with regard to a residence held in trust, a declaration executed by the trustee, affirming that the residence is held in trust and that the trust gives the named applicant the right to occupy the residence. In lieu of the forms of proof specified in this paragraph (c), the Comptroller is authorized to accept alternative forms of proof that in the Comptroller's judgment are genuine and probative of the information sought. The Comptroller shall provide information regarding the process for obtaining an exemption or refund, and the associated forms, in Spanish as well as English.

(d) If the Comptroller's processing of a full payment certificate for a given property serves to terminate any senior exemption applicable to that property, the Comptroller shall send written notification of such termination to the address at issue.

**SECTION 2.** Section 10-36-400 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-36-400 Small unmanned aircraft.**

*(Omitted text is unaffected by this ordinance)*

(b) Operating regulations. Except as otherwise provided in subsection (c) of this section, no person shall operate any small unmanned aircraft in city airspace:

*(Omitted text is unaffected by this ordinance)*

(11) within 500 feet of the Chicago Waterworks System, as defined by Section 18-29-202, any water intake facility or any electric generating facility, substation or

control center, or within 100 feet of any electric transmission facility, or within 25 feet of any electric distribution facility or of any overhead wire, cable, conveyor or similar equipment for the transmission of sounds or signal, or of heat, light or power, or data, upon or along any public way within the city, without the facility or equipment owner's consent, and subject to any restrictions that the facility or equipment owner may place on such operation;

*(Omitted text is unaffected by this ordinance)*

(e) ~~Seizure for unlawful use. If the mayor, superintendent of police, commissioner of aviation, fire commissioner~~ Mayor, Superintendent of Police, Commissioner of Aviation, Fire Commissioner or their duly authorized enforcement officers or designees have a reasonable basis to believe that any small unmanned aircraft is or has been operating in violation of this section, said small unmanned aircraft may be seized by such duly authorized enforcement official, followed by an opportunity for an administrative hearing, with notice to the owner within seven calendar days of such seizure, for the purpose of reviewing the appropriateness of the seizure, and shall be held by the city until such time that the owner of such small unmanned aircraft reimburses the city for the actual cartage costs incurred in connection with the seizure and pays to the city \$20.00 for each day, or part of a day, that the small unmanned aircraft is in storage. If criminal charges involving the use, condition or operation of the small unmanned aircraft are pending, the small unmanned aircraft shall be held until disposition of the criminal charges. If it is determined at an administrative hearing, by a preponderance of evidence, that the seized small unmanned aircraft was not operated in violation of this section, such small unmanned aircraft shall be returned to its owner without charge.

(f) *Rules.* ~~The commissioner of aviation~~ Commissioner of Aviation, in consultation with the ~~corporation counsel~~ Corporation Counsel, is authorized to promulgate rules necessary or appropriate to implement this section. Such rules shall be posted by the ~~commissioner~~ Commissioner on the City of Chicago's rule web portal.

**SECTION 3.** Chapter 11-12 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-12-930, as follows:

**11-12-930 Damage to Lead Service Line.**

(a) In the event of damage to any lead service line, the person responsible for the damage shall immediately notify the Department of Water Management of the damage and cease the activity which caused the damage. The person responsible for the damage shall not attempt to repair, clamp, or constrict the damaged lead service lines unless under the supervision of the Department of Water Management.

(b) In addition to any other applicable penalty, any person who damages a lead service line, including damages caused while engaging in excavation or demolition, shall be liable for the costs and expenses associated with lead service line replacements.

(c) Nothing in this section shall be deemed to create liability or financial responsibility of the Department of Water Management or its officers and employees concerning any issuance of any permit or license required under this Code.

**SECTION 4.** Chapter 18-29 of the Municipal Code of Chicago is hereby amended by adding a new Section 18-29-602.1.2, as follows:

**18-29-602.1.2 Obligations of water consumers – private water mains on private property.**

(a) Every person who constructs or owns a private water main and connection to the Chicago Water Works System and every consumer of water having service therefrom, whether owner, occupant, or person in possession, charge, or control of any building, structure, or premises, collectively "Owners", shall be governed by and subject to the provisions of this Code governing the use of water.

(b) It shall be the duty of the owner or Owners of the property under which the private water main is located to maintain any private water main to the point where it connects to the Chicago Water Works System and to make any necessary repairs to the private water main. If any line providing service from the private water main is a lead service line, then it is the duty of the owner or Owners to replace the lead service line in the case of its damage.

(c) If the property owner or Owners fail to maintain or repair the private water main in violation of subsection (b), or if there is damage to a lead service line connected to the private water main, the Commissioner may notify the property owner or Owners in writing of the duty to maintain or repair the private water main, or replace the lead service line. The notification shall be sent via certified mail and shall contain the following information: (i) a statement describing the maintenance, repair, or replacement to be made; (ii) the penalty for noncompliance; and (iii) the date the notification was sent.

(d) The Commissioner may, subject to the availability of appropriated funds and subject to the owner or Owners executing a right-of-entry agreement with the City, cause the maintenance, repair, or replacement to the private water main and, subject to the Commissioner's authority in Article IX of Title 11, the replacement of the lead service line connected to the private water main to be done at the owner's or Owners' cost and expense. The owner or Owners shall pay the City in full for any costs and expenses which the City incurs in connection with the performance of that work.

## **ARTICLE IX. SEVERABILITY, SUPERSEDER**

**SECTION 1.** The provisions of this Ordinance are declared to be separate and severable. The invalidity of any provision of this Ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

**SECTION 2.** In the event of a conflict or inconsistency between this ordinance and any other ordinance, resolution, motion, or order, this ordinance shall prevail.

## **ARTICLE X. EFFECTIVE DATES**

**SECTION 1.** Because protecting the safety and well-being of being of bus passengers, and of motorists and others in the vicinity of buses that are off-loading and onboarding passengers, is a matter of urgency, pursuant to 65 ILCS 5/1-2-4, Section 4 of Article IV shall take effect immediately upon its passage and approval, if such passage is by a vote of at least two-thirds of the members of this Council. In the event Section 5 of Article IV passes by a majority vote of less than two-thirds of the members of this Council, it shall take effect ten days after passage and publication.



**SECTION 2.** Article VI which shall become effective ten days after passage and publication.

**SECTION 3.** Following passage and approval, the remainder of this ordinance shall become effective January 1, 2024.