Office of the Chicago City Clerk

SO2012-2375

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	4/18/2012
Sponsor(s):	Emanuel, Rahm (Mayor) O'Connor, Mary (41)
Type:	Ordinance
Title:	Amendment of Titles 1, 2, 3, 4, 7, 9 and 13 of Municipal Code regarding licensing consolidation
Committee(s) Assignment:	Joint Committee on License and Consumer Protection and Budget and Government Operations

CHICAGO, May 09, 2012

To the President and Members of the City Council:

Your Joint Committee comprised of the memberships of the Committee on the Budget and Government Operations and the Committee on License and Consumer Protection, having had under consideration an Ordinance authorizing amendments to various sections of the Municipal Code of Chicago necessary to implement license reform and consolidation, and having been presented with a proposed Substitute Ordinance by the Department of Law; and having had the same under advisement, begs leave to report and recommend that Your Honorable Body pass the Substitute Ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the Joint Committee.

____ members of the Committee with ____ dissenting vote(s).

(Signed) Emma Mitts
Emma Mitts
Chairman, Committee on License
And Consumer Protection

(Signed) Carrie M. Austin
Carrie M. Austin
Chairman, Committee on the
Budget and Government Operations

SUBSTITUTE

ORDINANCE

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

SECTION 1. Section 1-4-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

1-4-100 Interpretation of language.

(Omitted text is unaffected by this ordinance)

~~The~~ Except as otherwise explicitly provided in this Code, the word "shall" as used in this Code is mandatory.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 1-23-400 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

1-23-400 Issuance of licenses and permits – Acceptance of application – Prohibited when.

(Omitted text is unaffected by this ordinance)

For purposes of this subsection (a), the term "25 percent or more of the interest in the applicant or property owner" shall mean 25 percent or more of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or the right to receive at any time the distribution of 25 percent or more of the income or profits of the applicant. Provided, however, that with respect to those licenses or permits for which disclosure of a lesser percentage of ownership interest is required under this Code, including, but not limited to, licenses issued under ~~Chapter 4-40 (Residential Real Estate Developers) and~~ Chapter 4-60 (Liquor Dealers), the percentage of ownership set forth in the specific ordinance establishing such license or permit shall be substituted for the term "25 percent" in the above definition.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 2-22-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-22-040 Commissioner of buildings – Powers and duties.

The duties of the commissioner of buildings shall be:

(Omitted text is unaffected by this ordinance)

3. to examine, regulate and license the occupations of stationary engineer~~;~~ and supervising electrician, ~~and motion picture operator;~~ and also register electrical contractors and generator operators, all as defined in the Code. The commissioner shall have the powers reasonable and necessary to carry out such duties, including, but not limited to:

(Omitted text is unaffected by this ordinance)

(g) suspending or revoking any license issued under the provisions of this Code for cause as set forth in ~~Chapter 4-128 and~~ Chapter 4-344 of this Code, or pursuant to the child support compliance provisions of Section 4-4-152 this Code, or upon determination by him that the licensee or registrant shall have violated any other of the provisions of this Code or any of the statutes of the state related to the regulated or registered occupation.

(Omitted text is unaffected by this 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.

(Omitted text is unaffected by this ordinance)

(f) 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~~ $2,000.00 nor more than ~~$2,000.00~~ $10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 2-25-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-25-110 Failure to obey an order of the commissioner – Violation – Penalty.

Except as otherwise provided in Title ~~IV~~ 4 of this Code in connection with licenses issued under such ~~Title IV~~ Title 4, any person who: (1) unless the commissioner's order has been stayed by a court of competent jurisdiction, fails to obey an order issued by the commissioner pursuant to this chapter, or (2) unless the order imposing such fine or penalty has been stayed by a court of competent jurisdiction, fails to pay a fine or penalty imposed under this chapter within a reasonable time specified by the commissioner, or (3) knowingly makes a false statement or knowingly provides misleading information to the commissioner, or (4) violates any of the provisions of this chapter shall be subject to a fine of not less than ~~$200.00~~ $2,000.00 nor more than ~~$2,000.00~~ $10,000.00, or imprisonment for a period not to exceed six months, or both, for each offense. Each such violation shall be considered a separate and distinct ~~O~~offense. Such violations shall be punishable as a misdemeanor pursuant to Section 1-2-1.1 of the Illinois Municipal Code, as amended. Except for the sanction of imprisonment, which shall be imposed only after a judicial hearing and only pursuant to an order of the circuit court, all sanctions imposed pursuant to this section shall be imposed only after a judicial or administrative hearing and only pursuant to an order of the circuit court or department of administrative hearings.

SECTION 6. Section 2-45-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-45-110 Affordable housing commitment.

(Omitted text is unaffected by this ordinance)

(k) Failure to pay the required fee in lieu or develop the on-site affordable housing units required by this section shall be a violation of this section punishable by a fine in an amount equal to two times the payment of fees in lieu required in subsection (d)(l)(ii) of this section and, in the case of a residential real estate developer licensed pursuant to ~~chapter 4-40~~ Section 4-6-050, the revocation of the developer's residential real estate developer license.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 2-100-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

2-100-110 Police powers for designated employees.

Each ward superintendent, and such other employees of the department of streets and sanitation as the commissioner of streets and sanitation shall designate, shall have the powers of members of the police force to serve process or notice within the city for the violation of Sections 4-4-310, ~~4-260-020, 4-260-040, 4-260-060, 4-260-080, 4-260-085, 4-260-090, 4-260-100,~~ 4-6-130, 7-12-387, 7-12-420, 7-28-060, 7-28-065 through 7-28-090, 7-28-120, 7-28-130, 7-28-150, 7-28-180 through 7-28-240, 7-28-260 through 7-28-310, 7-28-331, 7-28-360 through 7-28-410, 7-28-430 through 7-28-470, 7-28-490 through 7-28-510, 7-28-660 through 7-28-680, 7-28-710 through 7-28-720, 7-28-735 through 7-28-750, 7-28-780, 7-28-785, 7-38-080, 8-4-135, 8-4-160, 9-64-100(c), 10-8-180, 10-8-220 through 10-8-230, 10-8-250 through 10-8-271, 10-8-310, 10-8-320, 10-8-380, 10-8-402 through 10-8-405, 10-8-470, 10-8-480, 10-28-030, 10-28-340, 10-28-792, 10-32-050, 10-32-060, 10-32-110 through 10-32-150, 10-32-170, 10-32-180, 10-32-200 and 13-32-235 of the Municipal Code of Chicago. A copy of such designation, and any amendments thereto, shall be kept by the deputy commissioner of streets and sanitation for the bureau of sanitation and shall be available to the public upon request. The powers granted hereunder are expressly limited to the service of such process or notice, and this section shall not be construed as granting additional law enforcement powers.

SECTION 8. Section 3-24-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows;

3-24-020 Definitions – Construction.

A. For the purpose of this chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed in this section:

1. "City" means the City of Chicago.

2. "Department" means the department of finance of the City of Chicago.

~~3. "Director of revenue" or "director" means the director of revenue of the City of Chicago.~~ [Reserved].

4 "Hotel accommodations" means, except as otherwise provided in this paragraph, a room or rooms in any building or structure kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, bed-and-breakfast establishment, vacation rental; as defined in Section ~~4-207-010~~ 4-6-300, dormitory or place, where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals. The term "hotel accommodations" shall not include (i) an accommodation which a person occupies, or has the right to occupy, as his domicile and permanent residence; (ii) any temporary accommodation provided in any building or structure owned or operated, directly or indirectly, by or on behalf of a not-for-profit

medical institution, hospital, or allied educational institution; or (iii) an accommodation in a bed-and-breakfast establishment that is subject to licensing under ~~Chapter 4-210~~ Section 4-6-290.

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 3-42-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-42-010 Definitions.

(Omitted text is unaffected by this ordinance)

"Cigarette purveyor" means a wholesale tobacco dealer~~;~~ or retailer tobacco dealer ~~or cigarette-vending machine operator~~.

~~"Cigarette-vending machine operator" means any person who conducts or transacts the business of distributing, placing, leasing, operating or selling cigarette-vending machines with an agreement to maintain, service or supply.~~

(Omitted text is unaffected by this ordinance)

"Stamp" means paper or other material with an imprint or decalcomania device thereon, of such size, design, color and denominations as may be prescribed and procured by the ~~director of revenue~~ comptroller which, when affixed to a package of cigarettes, shall evidence payment of the tax thereon, as provided by this chapter.

"Cigarette-vending machine" has the meaning ascribed to that term in section 4-64-131 of this Code.

"Retail tobacco dealer" means any person~~, including a cigarette-vending machine operator,~~ who engages in the business of selling cigarettes in the City of Chicago to a purchaser for use or consumption and not for resale in any form.

(Omitted text is unaffected by this ordinance)

"Wholesale tobacco dealer" means any person~~, including a cigarette-vending machine operator,~~ who engages in the business of selling or supplying cigarettes to any person for resale in the City of Chicago.

SECTION 10. Section 3-42-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

3-42-020 Tax imposed.

(Omitted text is unaffected by this ordinance)

(d) It shall be unlawful for any retail tobacco dealer to purchase or receive cigarettes from any person unless the package containing the cigarettes bears an unmutilated tax stamp affixed and canceled as required by this chapter or by the rules and regulations promulgated by the comptroller. Possession by a retail tobacco dealer of cigarettes having no tax stamp affixed and canceled shall give rise to the prima facie presumption that the cigarettes are possessed in violation of the provisions of this chapter.

(e) It shall be unlawful for any retail tobacco dealer or wholesale tobacco dealer to engage in an act of concealment. Any retail tobacco dealer or wholesale tobacco dealer that violates this subsection shall be subject to a fine of $2,000.00 for the first offense, and a fine of $4,000.00 for the second and each subsequent offense. Each day that the violation occurs shall be considered as a separate and distinct offense. For purposes of this section, "concealment" means cigarettes, other tobacco products, or cigarette tax stamps, in violation of this subsection, deliberately hidden to prevent or evade discovery and offered for sale by or in the possession of a wholesale or retail tobacco dealer.

SECTION 11. Section 3-42-060 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

3-42-060 Inspections.

(a) The comptroller, the commissioner of business affairs and consumer protection, or any person authorized by either director may enter the premises of any wholesale or retail tobacco dealer for inspection and examination of property, inventory, books and records for the proper administration of this chapter and enforcement of the collection of the tax imposed. It is unlawful for any person to prevent, hinder or interfere with the comptroller or the commissioner of business affairs and consumer protection or their duly authorized deputy or representative in the discharge of his duties in the enforcement of this chapter.

(b) The penalty for violation of this section shall be as set forth in Section 4-64-330(b).

SECTION 12. Section 3-42-100 of the Municipal Code of Chicago is hereby amended

by inserting the language underscored, as follows:

3-42-100 Mutilation of stamps prohibited.

(a) It is unlawful for any person to mutilate a tax stamp herein required on any package of cigarettes before it is sold by a retail tobacco dealer.

(b) The penalty for violation of this section shall be as set forth in Section 4-64-330(b).

SECTION 13. Section 3-42-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

3-42-110 Confiscation of illegal cigarettes and cigarette-vending machines.

(a) As an alternative to the filing of an action in the circuit court, the comptroller, the commissioner of business affairs and consumer protection, the superintendent of police and their representatives shall have the authority (1) to issue notices of violation, in accordance with Section 2-14-074, to any cigarette purveyor found in possession of unstamped or improperly stamped cigarette packages in violation of this chapter and (2) to seize and store all unstamped or improperly stamped cigarette packages together with any cigarette-vending machines dispensing those cigarette packages.

If the purveyor is not the owner of the cigarette packages or cigarette-vending machines, within ten days of the issuance of a notice of violation pursuant to subsection (a) of this section, the department or the commissioner of business affairs and consumer protection shall notify by certified mail the cigarette purveyor and the owner of the cigarette packages or cigarette-vending machines, if the identity of the purveyor and owner is known or reasonably ascertainable, of the date, time and location of a hearing to determine whether the cigarette packages, at the time of issuance of the notice of violation, were unstamped or improperly stamped in violation of the provisions of this chapter. ~~The cigarette-vending machine operator identified on the license emblem placed on the vending machine, pursuant to Section 4-64-100 of this Code, shall be deemed to be an agent of the owner authorized to receive notice under the section.~~

(b) After issuing a notice of violation, the comptroller or the commissioner of business affairs and consumer protection shall institute an action with the department of administrative hearings which shall appoint an administrative law officer who shall conduct the hearing, no later than 45 days after the issuance of the notice of violation, to determine whether the cigarette packages at the time of issuance of the notice of violation, were unstamped or improperly stamped in violation of the provisions of this chapter. If the alleged violation is not contested or the administrative law officer determines by a preponderance of the evidence that any or all of the cigarette packages were unstamped or improperly stamped in violation of the provisions of this chapter, the administrative law officer shall enter an order requiring payment

by the cigarette purveyor or the owner of ~~a $15.00~~ the following penalty for ~~each unstamped or improperly stamped package of~~ cigarettes possessed in violation of section 3-42-020~~;~~: $1,000.00 for a violation involving forty or fewer packages, and $25.00 per package for a violation involving over forty packages, and an additional $2,000.00 for the second and each subsequent offense, plus fees for the seizure and storage of any seized cigarette packages or cigarette-vending machines~~; provided that when it is the first violation under this subsection by a cigarette purveyor or owner, the total penalty for such first violation shall not exceed $1,000.00, regardless of the number of unstamped or improperly stamped cigarette packages seized in such violation~~. Any penalty imposed for a violation of section 3-42-020 shall be in addition to any penalty imposed for a violation of section 3-42-025. If the administrative law officer determines a violation, all unstamped or improperly stamped cigarette packages seized under this section shall be forfeited to the city and subsequently destroyed or sold at public sale. Any money contained in a cigarette-vending machine seized under this section shall also be forfeited to the city, unless the administrative law officer determines that the evidence presented by the alleged violator at the hearing established that the money was not consideration for unstamped or improperly stamped cigarette packages. The cigarette purveyor and the owner of the unstamped or improperly stamped cigarette packages or cigarette- vending machines shall be jointly and severally liable for sanctions provided by this section.

(Omitted text is unaffected by this ordinance)

SECTION 14. Chapter 4-4 of the Municipal Code of Chicago is hereby repealed in its entirety, and replaced by a new Chapter 4-4, as follows:

CHAPTER 4-4
GENERAL LICENSING PROVISIONS

Article I. General License Requirements

4-4-005 Definitions.

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

"Applicant" means any person applying for a license. The term "applicant" includes all controlling persons.

"Board of health" means the board of health of the City of Chicago.

"Building code" or "building provisions of this Code"shall have the meaning ascribed to the term in Section 1-4-090.

"Chicago Zoning Ordinance" means the City of Chicago Zoning Ordinance set forth in

Title 17 of this Code.

"City" means the City of Chicago.

"Commissioner" means the commissioner of business affairs and consumer protection or the commissioner's designee.

"Commissioner of health" means the commissioner of health of the City of Chicago.

"Controlling person(s)" means any person who (1) is an officer, director, manager, managing member, partner, general partner or limited partner of an entity; or (2) owns, directly or indirectly through one or more intermediate ownership entities, 25 percent or more of the interest or voting shares in an entity seeking or holding a license; or (3) is among the top three persons holding the highest percentage of ownership interest in an entity; or (4) controls or directs in any manner the actions of a legal entity.

"Department" means the department of business affairs and consumer protection.

"Department of health" means the department of health of the City of Chicago.

"Licensee" means any person licensed or required to be licensed by the City, including all controlling persons.

"Mayor" means the mayor of the City of Chicago or the mayor's designee.

"Person" has the meaning ascribed to the term in Section 1-4-090.

4-4-010 License – Required – Violation – Penalty.

It shall be unlawful for any person to operate any business for which a City of Chicago license is required without first having obtained the required license(s) for such business. Each location at which a business operates requires a license. Except as otherwise provided in Title 4, any person violating this section shall be fined not less than $250.00 nor more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

4-4-015 Closure order – Violation – Penalty.

(a) Any unlicensed business may be immediately closed by the commissioner until the required license is obtained.

(b) The failure to pay any required license fee or to renew a license shall constitute grounds for the commissioner to close any business. Provided, however, that the commissioner shall issue a 10-day notice of violation before any closure under this subsection (b) may take place.

(c) Any person who continues to operate a business which has been closed by the commissioner pursuant to this section shall be subject to a fine of not less than $500.00 nor more than $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition to any other penalty provided by law, such violation may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.

4-4-016 Classification of licenses.

Business licenses issued under this Title 4 shall be one of three general types: (1) a limited business license issued under Section 4-4-020; or (2) a regulated business license issued under Chapter 4-6 of this Code; or (3) a specific license type established under Title 4.

4-4-020 Limited business license – Required for businesses not provided for by other Code provisions – License fee.

(a) All businesses must be licensed to operate in the City of Chicago and shall obtain a limited business license from the department unless:

(1) the business is required to obtain a regulated business license under Chapter 4-6 of this Code; or

(2) the business is required to obtain one or more specific licenses under a specific chapter of Title 4 of this Code; or

(3) the City of Chicago is preempted from licensing the business by federal or state law; or

(4) a permit has been issued for the business pursuant to Section 4-4-022.

(b) The license fee for a limited business license shall be as set forth in Section 4-5-010 and shall accompany the license application.

(c) Any person who obtains a limited business license shall limit the activities carried on in such business to those activities identified in the license application. If the licensee adds any activity not identified in, or outside the bounds of, or not incidental to the description of the business activities provided at the time of licensing, the licensee shall so inform the department prior to commencing the additional activity. If a specific license is required for the additional business activity, the licensee shall obtain such specific license prior to commencing the additional activity.

(d) A limited business license shall not be required for any business activity that has been disclosed in the license application and that is incidental to the primary business activity for which a license has been obtained. Provided, however, that if a specific license is required for

such incidental business activity, the licensee shall obtain such specific license prior to commencing the incidental activity.

(e) Notwithstanding the foregoing requirements, the licensing provisions of this chapter shall not apply to the sale or exchange of used merchandise conducted or controlled by charitable organizations.

4-4-022 Emerging businesses – Non-traditional business activity – Permit requirements.

(a) In reviewing a license application, the commissioner shall determine whether a proposed business activity is an emerging business type or a non-traditional business activity that falls outside the parameters of any existing regulated business license under Chapter 4-6 or other specific license type under Title 4, and whether the proposed business activity presents potential risks to the public health, safety and welfare such that, for the protection of the public, the activity must be subject to more intense regulation than would be associated with a limited business license.

(b) If the commissioner so determines, the commissioner may disapprove the license application. The applicant may seek a hearing on the disapproval pursuant to the procedures of Section 4-4-060.

(c) In the alternative, the commissioner is authorized to grant an emerging business permit to the applicant to engage in the proposed business activity on an experimental basis.

(d) The emerging business permit shall be non-renewable and valid for a maximum of two years. The emerging business permit shall be a personal privilege and not property. The emerging business permit shall not be transferrable to another location, person or business entity. If the officers or owners of the business change, the emerging business permit shall immediately terminate unless the change has been approved in advance by the commissioner.

(e) The commissioner may attach conditions to the emerging business permit as are reasonably required to protect the public health, safety and welfare from risks including, but not limited to: adverse impact on public health, public safety, increased demand on city services, increased environmental impacts, or increased traffic or congestion in the public way. The commissioner may attach any such conditions when the emerging business permit is issued, or the commissioner may attach, remove or modify conditions at any time during the term of the permit, upon reasonable notice to the permit holder.

(f) The commissioner may make a determination at any time during the term of the emerging business permit that the permitted business activity as conducted presents an unreasonable risk to the public health, safety and welfare which cannot be mitigated, and may rescind the emerging business permit, with or without prior notice. If an emerging business permit is rescinded, the permit holder shall be given the opportunity to appear before the commissioner to contest the permit rescission before the rescission is effective or no later than ten days after the

rescission is effective.

(g) At the end of the term of the emerging business permit, the permit holder's permission to engage in the permitted business activity shall terminate unless (1) the City Council has established a new license category or amended an existing license category under which the permitted business activity may be licensed; and (2) the permit holder has applied for and obtained the necessary license.

(h) When issuing an emerging business permit, and when attaching, removing or modifying conditions on an existing emerging business permit, the commissioner shall make a report to the license review advisory group and to the chairman of the city council committee on license and consumer protection or its successor committee describing the permitted business activity and the conditions imposed upon that activity.

(i) After three-fourths of the emerging business permit term has elapsed, the permit holder may submit a report to the commissioner and to the chairman of the city council committee on license and consumer protection or its successor committee requesting that a license category be created or amended to license the permitted business activity. The report shall describe the permitted business activity, the history of its operation under the emerging business permit, any disciplinary, legal or law enforcement problems that arose out of the permitted business activity, any positive or negative impacts of the permitted business activity on the public health, safety and welfare, and the public benefit derived from the permitted business activity. The city council may, in its discretion, elect to establish a new license category or amend an existing license category on the same or different terms as the emerging business permit.

(j) Each application for an emerging business permit shall be considered independently. The issuance of an emerging business permit to an applicant, or the conditions imposed on a permit by the commissioner, shall not be precedent for the issuance of, or imposition of permit conditions upon, a similar emerging business permit to any other applicant or permit holder.

(k) Operation of a business under an emerging business permit shall constitute acceptance of the terms and conditions of this ordinance, any applicable rules and regulations, and any special conditions of the permit.

(l) The commissioner may issue rules and regulations to effectuate the purposes of this section.

4-4-023 License review advisory group.

The commissioner may convene, at the commissioner's discretion, a license review advisory group for the purpose of recommending amendments to, repeal of or adoption of new provisions relating to licensing of any business in the city. Such group shall comprise selected representatives of city departments and agencies, and the chairman of the city council committee

on license and consumer protection or its successor committee. In addition, such group may include business constituencies affected by the proposed change in law and interested aldermen.

4-4-040 License – Issuance.

All licenses issued by the city shall bear the seal of the city, and shall contain the following information: (1) the name and address of the licensed establishment; (2) the nature or type of business licensed; (3) the amount of the licensee fee paid; and (4) such other material information as appropriate for the license type.

4-4-050 License – Application.

(a) Every application for, and renewal of, a license under Title 4 shall, at a minimum, contain, or in the case of license renewal confirm, the following information:

(1) If the applicant is an individual:

(i) the applicant's full name, residence address, business address, business, home and cellular telephone numbers, and e-mail address;

(ii) the name and telephone number of an emergency contact person;

(iii) the applicant's date of birth and social security number;

(iv) proof that the applicant is at least 18 years of age;

(2) If the applicant is a corporation:

(i) the applicant's name, the name under which the applicant is doing business, the applicant's address, the business' address, the applicant's telephone number and the business location's telephone number;

(ii) the date and state of incorporation;

(iii) the name, residence address and residence telephone number of all controlling persons and registered agents;

(iv) the date of birth and social security number of all controlling persons;

(v) the name and telephone number of an emergency contact person;

(vi) proof that all controlling persons are at least 18 years of age;

(vii) proof that the corporation is in good standing under the laws of the State of Illinois;

(3) If the applicant is a partnership or limited liability company:

(i) the applicant's name, the name under which the applicant is doing business, the applicant's address, the business' address, the applicant's telephone number and the business location's telephone number;

(ii) the name, residence address, residence telephone number, date of birth and social security number of all partners, if a general partnership; of all general and limited partners, if a limited partnership; of all managers, managing members and members, if a limited liability company; and of all controlling persons and registered agents;

(iii) the name and telephone number of an emergency contact person;

(iv) proof that all controlling persons are at least 18 years of age;

(4) If the applicant seeks to do business under an assumed name, proof of compliance with the Illinois Assumed Business Name Act;

(5) A description of the activities and services, as applicable, that the applicant will carry on or provide at the licensed premises;

(6) Whether the business activity at the location meets the requirements of the Chicago Zoning Ordinance;

(7) The license fee; and

(8) Any other information that the commissioner may reasonably require in connection with issuance or renewal of a license.

(b) It is a condition of the license that all information in the license application be kept current. The licensee shall report to the department any change in the above required information within ten business days of such change.

(c) The commissioner of the department responsible for issuing any required license shall promulgate rules and regulations to provide for situations where any of the information required in subsection (a) of this section or in a specific license type is not available.

(d) It shall be grounds for revocation or rescission of any license issued under Title 4 if the licensee or license applicant knows or should have known that the license application or renewal documentation contains false or incomplete information.

(e) Eligibility for issuance of any license under Title 4 shall be a continuing

requirement for maintaining such license.

4-4-060 License – Application and renewal – Inspection or investigation.

(a) All applications for a license submitted to the department shall be reviewed and approved by the zoning administrator for compliance with the Chicago Zoning Ordinance.

(b) Upon receipt of an application for a license, the commissioner shall transmit to the appropriate departments or boards all information necessary for any required investigation, inspection or approval. Within ten days after receipt of such information, the head of the applicable department or board shall investigate the applicant or inspect the business premises, as appropriate, and shall provide the commissioner with a written report summarizing the results of such investigation or inspection, or, if applicable, whether the license applicant has sufficiently self-certified the requirements necessary for approval of the application. The commissioner is also authorized to examine the applicant for a license or renewal thereof or its controlling persons under oath, and to examine the books and records of any such applicant. If the applicant fails to appear to answer any question or to produce any book(s) or record(s) required to be produced, such failure shall be sufficient grounds to disapprove the license application. Within two business days of receipt of such written report, the commissioner shall transmit the application and accompanying report to the mayor, along with the commissioner's recommendation to approve or disapprove the license application.

If the mayor determines that the applicant and all controlling persons have complied with all of the requirements necessary for the license to be issued, that the location of the business and the condition of the premises are proper, and that the license applicant is in compliance with all laws and provisions of the Code applicable to the business identified in the license application, the mayor shall authorize the issuance of such license.

If the mayor disapproves the license application or renewal, the mayor shall notify the applicant in writing of the reasons for such disapproval. Such notice shall be sent to the applicant, by first class mail addressed to the applicant at the address identified in the license application, within five days after the date on which such disapproval occurred. Within ten days after such notice is mailed, the license applicant may make a written request to the mayor for a hearing on the disapproved application. Within ten days after such written request for a hearing is made, a public hearing shall be authorized before a hearing examiner appointed by the mayor. Such public hearing shall be commenced within ten days after such hearing is authorized. Within 14 days after completion of such hearing, the hearing examiner shall report his or her findings to the mayor. If the mayor determines after such hearing that the license application or renewal should be denied, the mayor shall, within 60 days after such hearing has been concluded, state the reasons for the mayor's determination in a written finding and shall serve a copy of such written finding upon the license applicant. The mayor's determination shall be final and may be appealed in the manner provided by law.

(c) Except for licenses issued pursuant to Chapter 4-60 or Chapter 4-156 of this Code:

The license review process shall be completed within 90 days after the license application is filed. If the license review process is not completed within 90 days after the license application is filed, the license application fee shall be forfeited to the city and a new application and filing fee submitted to the department after expiration of such 90-day period, unless the delay in completing the license review process was caused by the city or is solely due to failure to complete building inspections.

(d) If an inspection is required under Title 4 for a license to be issued or renewed, no fee shall be assessed for such inspection. Provided, however, that a $50.00 reinspection fee may be assessed against an applicant if a subsequent inspection is necessary due to the applicant's failure to take any required action or whenever a scheduled inspection cannot take place because the applicant is absent.

4-4-070 License – Application – Affidavits.

All applicants may be required to swear before a notary to any statement made in connection with the application for any license.

4-4-080 Bonds.

If a bond is required under the license provisions of Title 4, the corporation counsel or comptroller, or their respective designee(s), may review or investigate such bond before a license is granted or renewed. A bond may be rejected by the city on legal or financial grounds. If the bond is rejected, the applicant or licensee shall be notified of the reason(s) why the bond was rejected and may submit a new bond for approval by the corporation counsel or comptroller or their respective designee(s).

4-4-084 License suspension or revocation pending payment of fines, costs or other sum of money owed to the city.

If a person fails to pay any fine, assessment of costs or other sum of money owed to the city pursuant to an order of the department, a court order or an order of the department of administrative hearings within 30 calendar days of such fine, assessment or sum of money becoming a debt due and owing to the city within the meaning of Chapter 1-19 of this Code, such person's license may be suspended or revoked by the department in accordance with the requirements set forth in Section 4-4-280. If the license is suspended, the suspension shall remain in effect until such time that the fine, assessment of costs or other sum of money is paid in full. If the license is revoked, the licensee shall be barred from applying for a new or different city license for a period of one year after the date of revocation.

4-4-112 Unlicensed businesses – Liability of property owner.

(a) No property owner shall allow any person to operate on such owner's property any business for which a license is required under this Code without a license first having been obtained for such business.

(b) Any property owner who violates subsection (a) of this section shall be notified in

writing by the department of the fact of such violation and of the property's duty to correct such violation of this section. If the property owner fails to correct such violation by the date certain set forth in the written notice required under this section, the property owner shall be subject to a fine of up to $500.00 for the first offense of subsection (a) within any five year period; of up to $5,000.00 for the second offense of subsection (a) within any five year period; and of up to $10,000.00 for the third or any subsequent offense of subsection (a) within any five year period . Each day that a violation continues shall constitute a separate and distinct offense. Mitigating factors that may be considered in determining the amount of the fine to be imposed against the property owner shall include the following: (1) proof that the property owner has initiated eviction proceedings against the tenant engaged in the unlicensed business activity; (2) proof that the property owner called 311 in a timely manner to report the unlicensed business activity; (3) proof that the property owner filed a timely complaint with 311 online through www.cityofchicago.org to report the unlicensed business activity; or (4) any other mitigating factor set forth in regulations duly promulgated by the commissioner.

4-4-130 Rebate or refund of fees.

(a) No license fee or part thereof shall be refunded or rebated to any person, unless the commissioner determines that (1) the license fee was collected in error, or (2) the holder of a license has been prevented from enjoying the full license privilege because such holder is (i) the sole proprietor of the licensed establishment, and (ii) on active-duty status in the United States Armed Forces regular component, reserve component or National Guard, and (iii) stationed beyond the corporate limits of the city; or (3) the licensed business is forced to close before the license period expires due to an exercise of the power of eminent domain by the government. If a refund or rebate of any license fee is requested and made pursuant to items (2) or (3) of this section, the amount of such refund or rebate shall be prorated to reflect the number of months remaining during the license period, as measured from the date on which the applicable requirements set forth in items (2) or (3) are met.

(b) If a license applicant files an incomplete license application with the department, and such applicant fails to complete the license application within 90 days after the date on which such incomplete application is filed, the license fee shall be forfeited to the city and a new application and license fee shall be required to process the application. Provided, however, that this requirement shall not apply to any license issued under Chapters 4-60 or 4-156 of this Code. Provided further, that this requirement shall not apply if the applicant's failure to complete the license application in a timely manner is caused by the city.

4-4-135 Reinspection fees.

Except as otherwise provided in subsection (d) of Section 4-4-060, a reinspection fee in the amount of $50.00 shall be assessed against the licensee for each necessary or appropriate inspection conducted by or caused to be conducted by the City to address code violation(s) previously identified in any inspection.

4-4-150 Indebtedness – License ineligibility.

(a) Whenever used in this section, the term "debt" shall mean:

(1) a sum of money owed to the city for which the period granted for payment has expired, including, but not limited to, any obligation or payment of a sum of money owed to the city pursuant to a court order or an order of the department of administrative hearings, and in the case of a "tax" within the meaning of Section 3-4-020 of this Code, includes any unpaid tax liability, whether or not an assessment has been issued;

(2) any obligation or payment of a sum of money owed to a third party, including restitution, pursuant to an order of the department of administrative hearings;

(3) a parking ticket, notice of parking violation, or parking violation complaint on which full payment has not been made or an appearance has not been filed in the Circuit Court of Cook County within the time specified on the complaint;

(4) a sum of money owed to the State of Illinois when the city has received certification from the state that the license applicant or licensee upon renewal has been given notice and an opportunity to contest the state's determination that such applicant or licensee owes the sum of money;

(5) a sum of money owed to the Metropolitan Pier and Exposition Authority for the M.P.E.A. Airport Departure Tax;

(6) a sum of money owed to the County of Cook when the city has received certification from the county, pursuant to procedures agreed upon by the county and the city, that the license applicant has been given notice and an opportunity to contest the county's determination that such license applicant owes the sum of money.

(b) No initial or renewal license shall be issued to any license applicant or person owning, either directly or indirectly, 25 percent or more of the interest in such applicant, if (1) such applicant or person has any debt, as defined in subsection (a) of this section, and (2) notice of such debt has been provided to such applicant or person in accordance with the requirements set forth in Section 2-32-094(c); and (3) such debt has not been satisfied or otherwise resolved within the meaning of Section 2-32-094(a).

For purposes of this subsection (b), the following definition shall apply: The term "25 percent or more of the interest in the applicant" shall mean 25 percent or more of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or the right to receive at any time the distribution of 25 percent or more of the income or profits of the applicant. Provided, however, that with respect to those licenses for which a lesser percentage of ownership interest is required to be disclosed, including, but not limited to, licenses issued under Chapter 4-60 (Liquor Dealers), the percentage of ownership set

forth in the specific licensing ordinance shall be substituted for the term "25 percent" in the above definition.

(c) A late fee and interest shall be assessed in connection with a license renewal if the license cannot be issued or renewed in a timely manner due to outstanding debt.

4-4-152 Child support delinquencies.

No license shall be issued to or renewed by any applicant or person owning, either directly or indirectly, 25 percent or more of the interest in the applicant, and any license may be revoked, if such applicant or person is delinquent on any court-ordered child support arrearage or has failed to comply with a child support withholding notice. All license applicants shall certify in the license application whether the eligibility requirement set forth in this section have been met. For purposes of this section, the definition of the term "25 percent or more of the interest in the applicant", as set forth in subsection (b) of Section 4-4-150, shall apply. Provided, however, that with respect to those licenses for which a lesser percentage of ownership interest is required, the percentage of ownership set forth in the specific licensing ordinance shall be substituted for the term "25 percent" in such definition.

4-4-160 Mailing of license and related material.

The city clerk or other issuing department may transmit any license certificate, license plate, tag, badge, emblem or other licensing insignia to a qualified licensee by any cost-effective method available, including electronic transmission, as appropriate.

4-4-170 Change of location.

If, prior to the expiration of the license period, any person licensed to engage in a business at a particular place seeks to change the location of such place of business, such licensee shall obtain a new license before conducting the business at the new location. The fee for such new license shall be prorated.

4-4-175 Change of officers.

(a) Within 60 days of the effective date of any change in any officer, substantial owner, member or other individual required under Section 4-4-050 to be identified in the initial license application, the licensee shall file with the department a written notice of such change on a form provided by the department. Provided, however, that persons holding a liquor license under Chapter 4-60 of this Code shall comply with the notification requirements set forth in Section 4-60-060(c).

(b) Except as otherwise provided in Section 4-60-060(c), the notice of change required under subsection (a) of this section shall be accompanied by a filing fee, as follows: If the licensee holds a license that requires an investigation or approval by the department of police or a criminal background check for the license to be issued, the filing fee for the notice of change shall be $40.00, with an additional fee of $50.00 for each person required to be investigated, approved or checked. If the licensee does not hold a license that requires such an investigation, approval or

check, the filing fee for the notice of change shall be $20.00.

4-4-176 Change of business name.

(a) All licensees shall notify the department in writing, on a form provided by the department, within 60 days of the effective date of any change in the name of the licensed business.

(b) The notice of change required under subsection (a) of this section shall be accompanied by a filing fee of $40.00.

4-4-180 Adjustments.

If a licensee makes any change to the licensed business that places the business in a class requiring a higher license fee, the licensee shall obtain the correct license and pay the pro-rated difference between the license currently held and the new license for the time remaining on the current license. Upon issuance of the correct license and payment of the pro-rated license fee, the licensee shall receive additional license plates, badges, tags, emblems or other licensing insignia as appropriate.

4-4-190 Nontransferability – Unlawful transfer or use.

(a) All licenses issued under this Code are non-transferable.

(b) It shall be unlawful for any licensee to loan or give away to any person any license certificate, plate, tag, badge, emblem or other licensing insignia issued to such licensee.

(c) It shall be unlawful for any person to use or display any license certificate, plate, tag, badge, emblem or other licensing insignia which has been unlawfully acquired.

4-4-200 License insignia – Loss – Associated fees.

(a) If a licensee is required to obtain and exhibit any plate, tag, badge, emblem or other licensing insignia, the license fee shall include the cost of such licensing insignia.

(b) If a licensee loses any plate, tag, badge, emblem or other licensing insignia, the issuing department may authorize the issuance of duplicate insignia, if the licensee or other applicable person submits an affidavit attesting to such loss and pays a replacement fee of $25.00.

4-4-210 License insignia – Display.

(a) It shall be the duty of every business for which a license is required to post such license in a conspicuous place on the premises of the business. Provided, however, that if a licensee is required by this Code or any rule or regulation promulgated thereunder to post the license in a specific place on the licensed premises, the more specific provision shall apply.

(b) No license certificate, plate, badge, tag, emblem or other licensing insignia shall remain posted or displayed after the license has expired or has been suspended or revoked.

4-4-230 License certificates and insignia – Alteration or removal prohibited.

(a) No person shall add to, alter, deface, forge or counterfeit any license certificate or license plate, tag, badge, emblem or other licensing insignia issued by the city.

(b) No person shall destroy, obliterate, take, remove or carry away, without the consent of the licensee, any license certificate or license plate, tag, badge, emblem or other licensing insignia issued by the city. Provided, however, that nothing in this subsection (b) shall be construed to prevent any authorized city official from removing any license certificate, emblem or licensing insignia when the applicable license has expired or has been suspended or revoked.

4-4-250 Expiration.

It shall be the duty of the licensee to take all appropriate steps necessary to renew its license in a timely manner.

4-4-260 License renewal.

The commissioner of the department responsible for issuing any license required under Title 4 may renew any license at the beginning of a new license period upon proper application and payment of the required fee. Prior to renewal, all licensees and substantial owners shall provide the applicable commissioner with any new information necessary to make the information provided in the initial license application current and accurate. All license renewal applications filed after the expiration date of the license shall be charged a late license fee in the amount of 25 percent of the amount of the annual license fee, but in no event less than $25.00. Renewal may be denied, and a new license application may be required, if the licensee fails to apply for renewal within three months after the expiration date of the license.

4-4-265 Remediation conferences.

(a) Any city department or agency that is responsible for enforcing any license requirement of this Code shall have authority to require a licensee to appear at a remediation conference at which the licensee shall be required to produce books and records or answer questions for the purpose of determining the licensee's compliance with any provision of the Code that is within the department's or agency's enforcement authority.

(b) If a department or agency requires a licensee to appear at a remediation conference, the licensee shall be given no less than 30 calendar days' notice, sent by first class mail to the licensee's address on file with the applicable department or agency, directing such licensee to appear at the offices of the department or agency for a remediation conference. If the licensee fails, without good cause, as determined by the applicable department or agency head, to appear at such remediation conference, the licensee shall not be eligible to renew the applicable license and the failure to appear shall constitute grounds to suspend or revoke the license.

4-4-280 License revocation.

(a) The mayor shall have the power to fine a licensee, and/or to suspend or revoke any

license for good and sufficient cause or if the issuing department determines that the licensee or its employee or agent has violated any provision of this Code or any rule or regulation promulgated thereunder or any applicable state or federal law. Provided, however, that no license shall be suspended or revoked unless the licensee is first given five days' written notice of a public hearing, which shall provide the licensee with an opportunity to appear and defend. Such public hearing shall be held before a hearing officer, who shall report his or her findings to the mayor.

The mayor shall have the right to examine the books and records of any licensee upon whom notice of a public hearing has been served.

If, after such hearing, the mayor imposes a fine and/or suspends or revokes the applicable license, the mayor shall, within 60 calendar days after the hearing is completed, (1) state the reason(s) for such determination in a written order; (2) serve a copy of such order upon the licensee; and (3) post a notice or sign on the licensed premises indicating that the business has been closed. No person shall remove any notice or sign indicating that a business has been closed by official order until such time, if any, that a business reopens in compliance with the provisions of this Code.

If the mayor determines that a fine is an appropriate penalty, the amount of the fine shall not exceed the fine imposed in the chapter creating the subject license. If no fine is specified in that chapter, the fines specified in this chapter shall apply.

For purposes of this chapter or any rule and regulation promulgated thereunder: If the term "shall" is used in connection with any time frame for completion by the mayor of any required process, such term shall be construed as merely directory rather than mandatory, and the mayor's failure to complete such required process within the stipulated time frame shall not result in any loss of jurisdiction by the mayor.

(b) In the event the mayor designates a local liquor control commissioner, said local liquor control commissioner shall exercise the power of the mayor set forth in subsection (a) of this section with respect to liquor licenses.

4-4-281 License rescission.

The commissioner shall have the power to rescind any license erroneously issued by the department. To rescind a license, the commissioner shall (1) send notice by first class mail to the licensee identifying the basis for the proposed rescission; (2) set forth a date and time, which shall be no sooner than ten calendar days after notice is mailed, for the licensee to appear before the commissioner to contest the proposed rescission, and (3) inform the licensee that such licensee is entitled at such hearing to present evidence in opposition to the proposed rescission. Following the hearing, the commissioner shall affirm or reverse the decision to rescind the license. The commissioner's decision, which shall be in writing, shall be mailed to the licensee at least five days before the effective date of the rescission. The commissioner's decision shall be final and

may be appealed as provided by law.

4-4-282 License suspension or revocation – Illegal activities on premises.

The license of any person may be suspended or revoked pursuant to Section 4-4-280 if the mayor determines that the person or such person's agent or employee has violated the provisions of Section 8-4-090 on any premises for which the license was issued.

4-4-283 Closure due to dangerous or hazardous conditions – Effect on license or application.

Whenever any authorized officer issues an order pursuant to Section 13-8-100 or Section 13-12-120 of this Code to vacate and close any building, structure, premises or portion thereof used to conduct any activity requiring a license under this Code, all such activity within such closed portion of the building, structure, premises or portion thereof shall cease immediately.

4-4-289 Effect of revocation.

(a) Except as provided in subsection (e) of this section, any person whose license is revoked shall be ineligible for the issuance of any new license for the same business activity or its equivalent pursuant to Title 4 for a period of one year following the date that the revocation became effective.

(b) Except as provided in subsection (e) of this section, any person who has a substantial ownership or controlling interest in an entity whose license is revoked shall be ineligible for the issuance of any new license for the same business activity or its equivalent pursuant to this Title 4 for a period of one year following the date that the revocation became effective. This ineligibility shall also apply to the issuance of a new license for the same business activity to any other entity in which the disqualified person has a substantial ownership or controlling interest. As used in this section, "substantial ownership or controlling interest" means: (1) ownership of 25% or more of the entity, or, if the entity is a corporation, ownership of 25% or more voting shares of stock; or (2) holding a position as a principal officer or serving on the board of directors or as a manager of the entity.

(c) The parent, child, sibling, spouse or domestic partner of a person who is ineligible for the issuance of a license under subsection (a) or (b) of this section shall, during that period of ineligibility, be ineligible for the issuance of a new license under Title 4 for the same business activity or its equivalent at the same location as the licensed premises that were subject to the revocation causing the ineligibility under subsection (a) or (b).

(d) Whenever the licenses of a licensee holding multiple licenses for the same premises are revoked, the effects of such revocation under subsections (a), (b) and (c) shall apply to each revoked license.

(e) If any provision of Title 4 imposes a longer period of ineligibility for the issuance of any license, such longer period shall apply.

4-4-290 Enforcement of license ordinances.

It shall be the duty of the commissioner to examine or to cause to be examined all persons, books and records and places of business subject to license for the purpose of ascertaining whether such license(s) have been procured or whether the eligibility or other applicable requirements for licenses have been met. In case of the neglect or refusal of any person to procure a license as required by this Code, the commissioner shall have the authority, and it shall be the commissioner's duty, to take such action as the commissioner deems necessary to enforce said license requirement.

The commissioner and all investigators and employees designated by the commissioner shall have full police powers to enforce the provisions of this chapter; and shall have the right to arrest or to cause to be arrested any person who violates any of the provisions of this Code; and shall have the right-of-entry, at reasonable times, to any place of business for which a license is required under this Code for the purpose of ascertaining compliance with the provisions of this Code.

It shall be the duty of the head of the department or board charged with the enforcement of any regulatory provision of this Code to take such action as shall be necessary to compel compliance with said regulatory provision. Such department head or board shall call upon the department of police for aid in the enforcement of any regulatory provision of this Code, the enforcement of which is placed upon such department head or board, and it shall be the duty of the superintendent of police, when called upon by said department head or board, to perform such duties as may be required to enforce said regulatory provision.

The superintendent of police and members of the police department shall also have (1) the authority to enforce the provisions of this Code pertaining to licensing; and (2) to examine all persons, books and records, or places of any business subject to licensing under this Code; and (3) the right-of-entry, at reasonable times, to any place of business for which a license is required under this Code for the purpose of ascertaining compliance with the applicable provisions of this Code.

For purposes of this section, the term "at reasonable times" means (i) during normal business hours; (ii) during the hours of operation of the business; (iii) any time the business is found to be operating; or (iv) any time when a customer is in the business, including before or after the hours of operation of such business.

4-4-295 Unlawful interference with enforcement.

It shall be unlawful for any licensee to knowingly obstruct the commissioner or any department investigator in the performance of his or her respective duties, or to knowingly interfere with or impede the commissioner or any department investigator in enforcing the provisions of Title 4. Any person who violates this section shall be subject to a fine of not less than $2,000.00 nor more than $10,000.00, or imprisonment for a term not to exceed six months

under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and in the Illinois Code of Criminal Procedure, or both, for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

4-4-299 Trademark violations.

All business licenses of a licensee under Title 4 shall be revoked if the licensee knowingly sells, offers for sale, exposes for sale, or acquires for purpose of sale, any item that (1) bears a false or counterfeit trademark, or (2) bears a genuine trademark that has been attached to the item without permission of the rightful holder of the trademark.

4-4-300 Hazardous use units.

If a license under Title 4 authorizes a person to engage in any business or to occupy or use any premises, structure or building for any purpose classified as a hazardous use unit under Chapter 13-112 of this Code, the initial issuance of such license and every extension or renewal thereof shall require (1) an inspection by or caused by the division marshal in charge of the bureau of fire prevention; and (2) the approval of such division marshal. If, as a result of such inspection, the division marshal determines that such hazardous use unit is in compliance with the requirements of this Code governing hazardous use units, the division marshal shall issue, or shall cause to be issued, a certificate of compliance and approval. Such certificate shall be subject to revocation for cause at any time by the division marshal in charge of the bureau of fire prevention. Upon notification of the revocation of such certificate, the mayor shall revoke any license conditioned upon said certificate. The provisions of this section shall be construed as remedial and retroactive as well as prospective.

4-4-305 Inspections – Duties of Licensee.

If a licensed premises is required under this Code to be inspected by any city department, the licensee and all persons in charge or in control of the licensed premises shall have a duty to ensure that the licensed premises are open at all reasonable times or in the case of an emergency for inspection by the applicable city department.

4-4-306 Illegal conduct on licensed premises – Cooperation with police.

(a) No licensee shall permit or allow any illegal activity on the licensed premises.

(b) It is the affirmative duty of a licensee to: (1) promptly report to the police department, via a telephone call to 9-1-1, all illegal activity reported to or observed by the licensee on or within sight of the licensed premises; (2) answer fully and truthfully all questions of an identified police officer who inquires or investigates concerning persons or events in or around the licensed business; (3) cooperate with the police in any such inquiry or investigation by giving oral or written statements to the police at reasonable times and locations in the course of any investigation; and (4) sign a complaint against any person if the licensee observes such person engaging in any illegal conduct or activity on or within sight of the licensed premises.

(c) For purposes of this section, the term "licensee" means the licensee, any

controlling person and any employee or agent of the licensee.

4-4-307 Fingerprinting.

If an applicant or licensee is required to undergo a criminal background check as a condition to the issuance or renewal of a license under Title 4, such applicant or licensee shall submit to fingerprinting in accordance with rules and regulations duly promulgated by the commissioner.

4-4-310 Public ways – Maintenance – Littering prohibited – Snow and ice removal.

(a) Except as otherwise provided in this Code, it shall be unlawful for any licensee to engage in any business on the public way or to use any part of a public way for or in connection with such licensee's business.

(b) It shall be unlawful for any licensee to litter or to permit the accumulation of any paper, rubbish or refuse upon that portion of the public way abutting the licensed premises.

(c) (1) It shall be the duty of each licensee under Title 4 to remove snow and ice from the sidewalk in front of the licensed premises.

(2) Any licensee, whether individually or in cooperation with other persons or community groups, who removes snow or ice from the public sidewalk or street shall not, as a result of his acts or omissions in such removal, be liable for civil damages. Provided, however, that this subsection (c)(2) shall not apply to acts or omissions amounting to wilful or wanton misconduct in removing such snow or ice.

(d) Upon the issuance or renewal of any license issued under Title 4, the commissioner shall provide the applicant or licensee, as applicable, with information about the provisions of this Code regarding the applicant's or licensee's responsibility for maintaining the public way abutting each business.

4-4-313 Businesses that are or cause a nuisance.

(a) A license may be suspended or revoked if a licensee's business is or creates a nuisance. A licensed business is or creates a nuisance if: (i) within any consecutive 12 months, not less than three separate incidents occur on the licensed premises, on or in the licensed premises' parking facility, or on adjacent property, involving acts that violate any federal or state law defining a felony, or any federal or state law or municipal ordinance regulating narcotics, controlled substances or weapons; or (ii) the licensee has failed to take reasonable steps to correct objectionable conditions existing or occurring while the licensed premises is open for business or within one hour of the time the establishment is opened or closed for business. The licenses of any business that is or creates a nuisance under clause (i) of this subsection (a) shall be subject to suspension or revocation pursuant to Section 4-4-280. The licenses of any business that is or creates a nuisance under clause (ii) of this subsection (a) shall be subject to suspension or revocation pursuant to the procedures set forth in subsection (b) of this section.

(b) Any person may file with the commissioner a complaint that a licensee's business is a public nuisance because the licensee has failed to take reasonable steps to correct objectionable conditions existing on the licensed premises, on or in the licensed premises' parking facility or on adjacent property. The commissioner may notify the licensee to appear before the commissioner, in the presence of the complaining persons when the commissioner considers such presence appropriate, to define, discuss and seek resolution of problems giving rise to the complaint. The commissioner may also order subsequent meetings to review progress toward resolution of the problems. The failure of a licensee to appear in response to a notice, or to attend subsequent meetings as ordered by the commissioner, shall be grounds for the imposition of a fine or the suspension or revocation of a license. The progress made in resolving the problems identified in the complaint and meeting process shall be considered in any proceeding to suspend or revoke a license under this section.

After the commissioner determines that the complaint and meeting process has been completed, the commissioner may institute a hearing based upon his or her reasonable belief that the operation of the business is a public nuisance. Notice of a hearing scheduled under this section shall be given to the alderman of the ward in which the licensed premises is located. At the conclusion of the hearing, if the commissioner determines by a preponderance of the evidence that the operation of the licensee's business is a public nuisance because the license has failed to take reasonable steps to correct objectionable conditions occurring on the licensed premises or adjacent property, the commissioner shall enter an order suspending or revoking the applicable license.

Notwithstanding any other provision of this section, if a licensee has provided satisfactory proof to the commissioner that the licensee has devised a plan of operation that will provide reasonable assurance that operation of the business will not cause a public nuisance, the commissioner may suspend the effectiveness of the suspension or revocation order for a period of six months while that plan is in effect. Such a plan must be submitted within 20 days after a suspension or revocation order is issued under this section, and the commissioner shall postpone enforcement of the order pending his or her review of the plan. If no plan is submitted within 20 days after the issuance of a suspension or revocation order under this section, or if the commissioner rejects the plan, the suspension or revocation order shall become final. If the commissioner approves the plan, the commissioner shall continue the hearing to a specified date prior to the expiration of the six month period. The plan may include conditions upon the licensee's operation of the premises that are useful or necessary to mitigate a public nuisance, including, but not limited to: providing security personnel, restricted hours of operation, providing outdoor lighting, the display of signs, providing trash pickup services or any other reasonable restrictions on business practices. After a continued hearing at which interested persons shall have the opportunity to be heard, the commissioner may: (1) reimpose the suspension or revocation order if the commissioner determines that the licensee has failed to adhere to the written plan of operation; (2) order the modification of the plan of operation, including the addition or removal of conditions on the operation of the premises; (3) vacate the suspension or revocation order if the commissioner determines that the order is no longer necessary to prevent a public nuisance; and/or (4) continue the hearing for an additional six months, during which the effectiveness of the

suspension or revocation order may continue to be suspended pending further evaluation of the licensee's efforts to correct objectionable conditions.

Any order issued this section, other than a final order imposing a suspension or revocation or vacating such sanction, shall not be considered a final order for purposes of appeal.

A licensee's failure to adhere to a written plan of operation approved by the commissioner pursuant to this section, through either the complaint and meeting procedures or upon the licensee's submission, shall constitute a basis to impose a fine and to suspend or revoke the licenses held by such licensee, as appropriate.

(c) For purposes of this subsection, the term "illegal acts" means any conduct or activity that violates any federal or state law defining a felony, or any federal or state law or municipal ordinance regulating narcotics, controlled substances or weapons. In a proceeding to suspend or revoke the license(s) of a business that is or creates a nuisance under subsection (a) of this section:

(1) it shall not be a defense that the licensee or the licensee's employees or agents were not personally involved in the commission of the illegal acts or directly responsible for the objectionable conditions except as provided otherwise in paragraph (2) of this subsection (c); and

(2) for purposes of determining whether three or more illegal acts occurred during a 12-month period, illegal acts occurring on the public way shall be limited to acts of the licensee, its employees, agents or patrons or otherwise involving circumstances having a nexus to the operation of the business; and

(3) the illegal acts or objectionable conditions must occur or exist while the licensed premises is open for business or within one hour of the time the establishment is opened or closed for business; and

(4) any evidence on which a reasonably prudent person would rely may be considered without regard to the formal or technical rules of evidence, and the commissioner may rely upon official written reports, affidavits and other business records submitted by police officers or other authorized city officials or employees charged with inspection or enforcement responsibilities to determine whether such illegal acts or objectionable conditions occurred. If during any 12-month period three separate incidents of illegal acts occur on the licensed premises, on or in the licensed premises' parking facility, or on adjacent property, a rebuttable presumption shall exist that the licensed business is or creates a nuisance in violation of this section.

(5) A licensee may offer evidence of mitigating factors in any license disciplinary hearing where it is alleged that the licensed business is or creates a nuisance based upon the occurrence of three or more illegal acts in any 12-month period. Mitigating factors may include evidence of the licensee's reasonable efforts to deter or discourage illegal acts from occurring on

the licensed premises or adjacent property such as: the use of strategically placed recording cameras, employment of trained security personnel, and a practice of promptly notifying the police when illegal activity occurs or appears imminent and cooperating with police investigations. When reviewing any evidence of mitigating factors, the commissioner may consider factors related to the unique circumstances of the nature of the business as well as the relative frequency of the occurrence of illegal acts in the surrounding community.

(d) For purposes of this section:

(1) "Adjacent property" means:

(A) any private property that is owned, leased, or rented by the licensee and that is located next to the business premises;

(B) any public way located next to the business premises; or

(C) any private property which is owned, leased, or rented by the licensee which is located next to such portion of the public way described in paragraph (B) of this definition. For the purposes of this definition, the term "public way" has the meaning ascribed to the term in Section 1-4-090 of this Code.

(2) "Objectionable conditions" include, but are not limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking, or excessive loud noise.

(3) "Reasonable steps" include, but are not limited to, the following:

(A) Calling the police department. Timely calls to the police department via 911 that are placed by the licensee, or his or her agents or employees, shall not, in and of themselves, be construed by the commissioner as evidence of objectionable conditions that constitute a nuisance.

(B) Directing those persons engaging in activities causing objectionable conditions to cease those activities, unless the licensee, or the licensee's agents or employees, reasonably believe that their personal safety would be threatened if such direction was given. Directions of this nature may be provided orally or in writing.

(C) Making good faith efforts to remove items that facilitate loitering, such as furniture.

(D) Attending C.A.P. S. meetings, beat meetings or other similar city-sponsored informational meetings or educational events designed to alert the licensee and its employees to problems related to the operation of the business and to promote remediation of such

objectionable conditions.

(4) When determining what constitutes reasonable steps within the meaning of this section, the commissioner shall consider site configuration constraints and other factors related to the unique circumstances or nature of the business, as well as the frequency of complaints of objectionable conditions and the manner in which the licensee has sought to address such conditions.

(e) This section shall not apply to a retail liquor establishment licensed under Chapter 4-60 of this Code.

4-4-314 Restrictions on display of merchandise.

(a) Except as otherwise provided in this Code, it shall be unlawful for any person licensed to engage in any business under Title 4 to store, place, display or affix any ware, goods or merchandise on the exterior or outside of the licensed premises unless the licensed business is set back at least (10) feet from the public way or the property is fenced or otherwise screened in. If the licensed business is fenced, the fence must remain free and clear of all items.

(c) Nothing in this section shall prohibit the placement of signs which are otherwise authorized by this Code.

(d) Nothing in this section shall prohibit a business licensed in conformity with the requirements of Title 4 from holding a sidewalk sale, special event, promotion or street fair, if such sidewalk sale, special event, promotion or street fair is properly permitted.

(e) Any person who violates this section or any rule or regulation promulgated thereunder shall be subject to the fine set forth in Section 4-4-297. In addition, any person who violates this section at least 3 times in any 12- month period shall be subject to license suspension or revocation or both. Each day that a violation continues shall constitute a separate and distinct offense.

4-4-333 Synthetic marijuana.

(a) As used in this section:

"Synthetic marijuana" means any product, whether described as tobacco, potpourri, herbs, incense, spice, aromatic or any combination thereof, and whether marketed for the purpose of being smoked or otherwise marketed, which includes one or more of the following hallucinogenic substances:

(1) 1-Pentyl-3-(1-naphthoyl) indole; some trade or other names: JWH-018; or

(2) 1-Butyl-3-(1-naphthoyl) indole; some trade or other names: JWH-073; or

(3) 1-[2-(4-morpholinyl) ethyl]-3-(1-napthoyl indole; some trade or other names: JWH-200; or

(4) 5-(1, 1-dimethylheptyl)-2-[(IR,3S)-3-hydroxycyclohexyl]-phenol; some trade or other names: CP-47,497; or

(5) 5-(1, 1-dimethyloctyl)-2-[1R,3S)-3-hydroxycyclohexyl]-phenol; some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue; or

(6) any other non-prescription substance that has a chemical structure and/or pharmacological effect substantially similar to the active ingredient of marijuana, or tetrahydrocannabinol (THC).

(b) No licensee under this Code shall sell, offer for sale, give away, barter, exchange, or otherwise furnish any synthetic marijuana in the City of Chicago.

(c) Except as otherwise provided in this Code, any person who violates any of the requirements of this section or any rule or regulation promulgated thereunder shall be fined not less than $2,000.00 nor more than $5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(d) Any violation of this section or any rule or regulation promulgated thereunder may result in license suspension or revocation in accordance with the requirements of Section 4-4-280.

4-4-334 Synthetic stimulants.

(a) As used in this section:

"Synthetic stimulant" means any product, whether labeled as bath salts, novelty collector's items, plant food or otherwise labeled, and whether marketed for the purpose of being smoked, sniffed, snorted, injected, ingested or otherwise marketed, which includes one or more of the following substances:

(1) 3, 4-Methylenedioxymethcathinone; some trade or other names: Methylone; or

(2) 3, 4 Methyenedioxypyrovalerone, some trade or other names: MDVP; or

(3) 4-Methylmethcathinone; some trade or other names: Mephedrone; or

(4) 4-Methoxymethcathinone; or

(5) 4-Fluoromethcathinone; or

(6) 3-Fluoromethcathinone; or

(7) any other non-prescription substance that has a chemical structure and/or pharmocological effect substantially similar to amphetamine, cathinone, cocaine, MDEA, MDMA (ecstasy), methcathinone or methamphetamine.

(b) No licensee under this Code shall sell, offer for sale, give away, barter, exchange or otherwise furnish any synthetic stimulant in the City of Chicago.

(c) Except as otherwise provided in this Code, any person who violates any of the requirements of this section or any regulation promulgated thereunder shall be fined not less than $2,000.00 nor more than $5,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(d) Any violation of this section or any regulation promulgated thereunder may result in license suspension or revocation in accordance with the requirements of Section 4-4-280.

4-4-335 Spray paint cans and markers.

It shall be unlawful for any licensee under this Code to sell at retail to any person (1) any paint in spray cans; or (2) etching materials; or (3) any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater to any person.

4-4-336 Improper business signs.

(a) No sign shall be placed on the exterior of any business in the City of Chicago unless the sign is securely affixed to the property of the business. Unsecure methods of affixing a sign shall include, but are not be limited to, attaching the sign with tape, string or staples.

(b) Any sign that is erected, altered or maintained in violation of this section shall be removed by the owner or operator of the business.

(c) If a sign is erected, altered or maintained in violation of this section, the City of Chicago may remove such sign and charge the expense of such removal to the owner or operator of the business.

(d) If a permit is required to install, erect, maintain or enlarge any sign that is on, under or over the surface of any public way, such permit shall be obtained.

(e) In addition to any other penalty provided by law, any person who violates any provision of this section shall be fined not less than $200.00 nor more than $500.00 for each offense.. Each day that a violation continues shall constitute a separate and distinct offense.

4-4-337 Illegal use of parking facilities.

(a) No licensee under this Code shall allow the use of the licensee's outdoor parking facilities for any business activity by any other person, except:

(1) An outdoor sale conducted by a business served by the parking facilities; or

(2) An occasional outdoor sale in support of a tax-exempt charitable, educational, religious or philanthropical institution or organization. Provided, however, that the licensee shall be required to file with the commander of the police district and with the alderman of the ward in which the parking facilities are located a written statement indicating (i) the date(s) and location of the occasional sale; (ii) the name of the tax-exempt charitable, educational, religious or philanthropical institution or organization; (iii) the name, title and telephone number of a contact person for that institution or organization; and (iv) the licensee's consent for the occasional sale;

(3) A special event presented by, or pursuant to permits issued by, the City; or

(4) A farmers' market conducted pursuant to Chapter 4-12 of this Code.

(b) The requirements of this section shall not apply to a licensed peddler who sells or offers merchandise for sale on private property as allowed by section 4-244-130 of this Code.

4-4-350 Violation – Penalty.

In addition to any other penalty provided by law, any person who violates any provision of Title 4 or any rule or regulation promulgated thereunder, where no other penalty is specifically provided, shall be fined not less than $200.00 nor more than $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 15. Chapter 4-5 of the Municipal Code of Chicago is hereby repealed in its entirety and replaced with a new Chapter 4-5, as follows:

CHAPTER 4-5

LICENSE FEES FOR TITLE 4 LICENSES

4-5-010 Establishment of license fees.

This chapter shall establish fees for various licenses created by this title unless otherwise provided. The following fees shall apply for the specified licenses. The chapter in which each fee requirement is created is also provided. Unless otherwise stated, fees shall be assessed every two years. For every license application which includes fingerprinting of the applicant as part of the application process, a fingerprint fee sufficient to cover the cost of processing fingerprints will be assessed in addition to the below fees. The fingerprint fee will be assessed regardless of whether the license applied for is issued or denied. The amount of the fee will be set forth by regulation promulgated by the commissioner of business affairs and consumer protection.

(1)	Limited Business License (4-4)	$250.00
(2)	Regulated Business License (4-6) – Other than Hotels	$250.00
(3)	Regulated Business License (4-6) - Hotels	$250.00 plus $2.20 per room
(4)	Ambulance (4-68) per year	$600.00
(5)	Drain Layers (4-28)	$125.00

(6) Public Places of Amusement (4-156)

Public place of amusement license

The fee for each public place of amusement license shall be graded according to the licensed establishment's capacity in accordance with the following schedule

Maximum Capacity	*Fee*
1 - 350	$770.00
351 - 500	$1,000.00
501 - 750	$1,650.00
751 - 1000	$2,200.00
1,001 - 2000	$3,300.00
2,001 - 3000	$4,400.00
3,001 - 4000	$6,600.00
Over 4000	$13,200.00

When computing the capacity of a public place of amusement, other than a performing arts venue, the total occupancy of all rooms or other occupancy areas of the premises of the business operating the amusement shall be calculated.

Performing Arts Venue

0 - 499 person capacity	$110.00

	500 plus person capacity	$2.00/person
(7)	Animal Care (4-384)	$275.00
(8)	Animal Exhibition Permit (30 days or less)	$275.00
(9)	Bicycle Messenger (4-168) per year	$70.00
(10)	Children's Services Facility (4-75)	$165.00
(11)	Emerging Business Permit (Section 4-4-022)	$250.00
(12)	Excavator (4-196)	$250.00
(13)	General Contractor (4-36)	
	Class A	$2,000.00
	Class B	$1,000.00
	Class C	$750.00
	Class D	$500.00
	Class E	$300.00
(14)	Filling Station (4-108)	
	Per establishment	$220.00
	Per portable tank	$110.00
	Per gallon of capacity for containers or tanks	$0.12

In determining the total capacity of containers or tanks under this section, any container or tank used exclusively for the storage of kerosene but not exceeding a total capacity of 100 gallons shall be excluded.

(15)	Food – Retail Food Establishment (4-8)	
	0 - 4,500 square feet	$660.00
	4,501 - 10,000 square feet	$880.00

	10,000 plus square feet	$1,100.00
	Special Retail Food Establishment (4-8)	
	Food - Seasonal Lakefront Food Establishment	$125.00/season
	Food - Special Event Food	$125.00/event
	Food - Wholesale Food Establishment	$660.00
	Food - Shared Kitchen	$660.00
	Food - Shared Kitchen Supplemental	$330.00
	Food - Shared Kitchen Long-Term User	$330.00
	Food - Shared Kitchen Short-Term User	$75.00/90 days
	Food - Mobile Food Dispenser	$275.00
(16)	Explosives	$500.00
(17)	Certificate of Fitness - Explosives	$100.00/per person
(18)	Garage - Public (4-232)	$19.80/300 sq ft
(19)	Garage - Accessory (4-232)	$19.80/300 sq ft
(20)	Itinerant Merchant (4-212). Per participating merchant for two weeks of show or exhibition or fraction thereof, payable at the time of application	$25.00
(21)	Indoor Special Event (4-156)	
	Class A License	$6,000.00
	Class B License	$100.00/day
(22)	Liquor - Retail (4-60)	
	Fees for the whole or any portion of the license period for which the application is made shall be as set forth below:	

	Expanded Establishment Amended Liquor License: additional fee for the remaining portion of the license period to be charged during the first year of operation only	$1,000.00
	Liquor - Tavern	$4,400.00
	Liquor - Special	$150.00
	Liquor - Music and Dancing	$1,100.00
	Liquor - Package Goods	$4,400.00
	Liquor - Consumption on premises – incidental activity	$4,400.00
	Liquor - Caterer's Liquor License	$4,400.00
	Liquor - Caterer's Liquor License, with incidental activity	$2,200.00
	Liquor - Caterer's Registration	$6,600.00
	Liquor - Not-for-Profit Club	$1,100.00
	Liquor - Outdoor Patio	$1, 760.00
	Liquor - Late Hour	$6,000.00
	Liquor - Special Event	$150.00/event
	Liquor - Navy Pier Mobile	$4,400.00
	Liquor - Wrigley Field	$1,000.00
	Liquor - Airport Pushcart License	$600.00
(23)	Manufacturing Establishment (4-224)	$275.00
(24)	Massage Establishment (4-92)	$550.00
(25)	Motor vehicle repair shop (4-228)	$240.00
(26)	Pawnbroker (4-240) per year	$5,280.00

(27)	Street Peddlers and Street Performers	$100.00
	Provided, however, that the fee shall be $50.00 if the licensee is: 65 or more years of age at the time of application; or a veteran of the armed forces of the United States, whose discharge from military or naval service was other than dishonorable; or a person with a physical or mental disability, as certified by a medical doctor.	
(28)	Raffles (4-156) per year	$100.00
(29)	Secondhand Dealer (4-264)	$1,100.00
(30)	Tobacco - Retail	
	Per location	$500.00
	Plus per cash register	$330.00
	Tobacco Product Sampler	$660.00
(31)	Weapons Dealer (4-144)	$1,100.00
(32)	Shooting Range Facility (4-151)	$2,000.00
(33)	Valet Parking Operator (4-232)	$600.00
(34)	Heliport (4-83)	$400.00
(35)	Navy Pier Kiosk (4-360) per year	$125.00

SECTION 16. Title 4 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 4-6, as follows:

CHAPTER 4-6
REGULATED BUSINESS LICENSE

Article I. General Provisions

4-6-010 Regulated business license.

(a) A regulated business license shall be required for the business activities set forth in this chapter. A separate license shall be required for each separate business location.

(b) The terms defined in Section 4-4-005, as well as the general licensing provisions set forth in Chapter 4-4 shall apply to all Chapter 4-6 licenses.

(c) Business activities requiring a regulated business license under this chapter shall include the following: (1) health club; (2) clothing alteration; (3) laundry service; (4) residential real estate developer; (5) tattooing, body piercing or tanning facility; (6) day labor agency; (7) adult family care center; (8) assisted living establishment; (9) long-term care facility; (10) adult family care home; (11) automatic amusement operator; (12) private scavenger; (13) secondhand dealer in children's clothing and children's products only; (14) junk peddler; (15) funeral business; (16) hospital; (17) hotel; (18) board-up company; (19) dry cleaner; (20) hazardous materials; (21) single-room occupancy buildings; (22) booting of motor vehicles; (23) immigration assistance; (24) expediter company; (25) expediter/natural person; (26) home occupation; (27) home repair; (28) bed-and-breakfast establishment; and (29) vacation rentals.

Article II. Health Club

4-6-020 Health club licenses.

No regulated business license shall be issued for any health club, fitness center or exercise club, unless the health club, fitness center or exercise club provides proof that (1) either through ownership, or by a contractual relationship with a third party, the applicant has available off-street parking within 500 feet of the licensed premises in an amount equal to ten percent of the capacity of the licensed premises; or (2) the patrons of the applicant have access to parking in an accessory garage located on the same zoning lot as the premises of the applicant in an amount equal to ten percent of the capacity of the licensed premises. This section shall not apply to any premises occupied by a licensed health club, fitness center or exercise club on July 8, 2000 until such time that the premises ceases to be used as a health club, fitness center or exercise club, or to any health club, fitness center or exercise club located in the central business district, as defined in Section 9-4-010 of this Code.

Article III. Clothing Alteration

4-6-030 Clothing alteration.

(a) *Definitions*. As used in this section:

"Clothing alteration" means any person who, for compensation, creates, repairs or alters clothing.

(b) *Legal duties*. Each licensee engaged in the business of clothing alteration shall have a duty to:

(1) prominently display a list of its services and the respective current selling price of each listed service;

(2) charge customers the price indicated on the list of services required under subsection (b)(1) of this section. Provided, however, that a price higher than the price indicated on such list of services may be charged if the amount of the difference and the reasons for the difference are disclosed to the customer prior to performing the requested clothing alteration.

Article IV. Laundry Service

4-6-040 Laundry service.

(a) *Definitions.* As used in this chapter:

"Coin-operated, self-service laundry" means any establishment where washing machine units are available for use by the general public upon depositing a coin into such unit or paying a fee for the use of such unit to the operator of the establishment or such operator's agent.

"Laundry service" or "laundry" "laundered" or "laundering" means any place where, for consideration of any type, wearing apparel, household linens, curtains, draperies or other items of fabric are cleaned, dried, starched or pressed (1) for the general public; or (2) for rental to patrons or customers of a business that rents such items; or (3) commercially or privately in connection with any hotel, restaurant or public institution; or (4) in a coin-operated self-service laundry as defined herein. The term "laundry service" does not include (i) any hospital or charitable organization where no charge is made for the provision of laundry service(s); (ii) any person who does custom laundry work at home for a regular trade; or (iii) any room or portion thereof located in a residential building in which domestic laundry work is done by or for the occupants of such building exclusively.

"Laundry vehicle' means any wagon, automobile or other vehicle used to collect or deposit laundry within the City.

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

(1) whether the laundry or any portion thereof is a coin-operated, self-service laundry, and if so, the intended hours of operation.

(c) *Legal duties.* Each licensee engaged in the business of laundry service shall have a duty to:

(1) keep every room or place used as a laundry or as a place to store laundered or unlaundered fabrics, and all floors, walls, ceilings, windows, woodwork, machinery, utensils and fixtures in such room or place (i) in good repair; (ii) in clean and sanitary condition; (iii) free from rats, mice and vermin; and (iv) free of all matter of an infectious or contagious nature.

(2) keep all laundry vehicles in a clean and sanitary condition;

(3) properly equip all laundry vehicles with (i) a means to separate laundered from unlaundered clothing or fabrics; and (ii) separate containers for any clothing, bedding, linen or other fabric taken from places that are under quarantine or where persons are convalescing after a disease;

(4) indicate on each side of any laundry vehicle, in plain and legible letters measuring at least one-and-one-half inches high, the name of the laundry that will launder the fabric contained in the laundry vehicle;

(5) keep and maintain on file, for a period of not less than three years, all written materials used to document the quantity of each hazardous chemical present at the laundry, if such chemical is present at the laundry in an amount that exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq. In addition to any other penalty provided by law, a single violation of this subsection may result in license suspension or revocation in accordance with the requirements of Section 4-4-280 of this Code.

(6) upon request, make the records required under subsection (c)(5) of this section available for inspection, during regular business hours or in case of emergency, by any city official charged with responsibility for enforcing this chapter.

(d) *Additional duties – Coin operated laundries.* In addition to the duties set forth in subsection (c) of this section, the licensee of any self-service, coin-operated laundry shall have a duty to:

(1) ensure that (i) at least one attendant is physically present on the licensed premises between the hours of 6:00 p.m. and 11:30 p.m., if and while the licensed premises is open for business during such hours or any portion thereof; and (ii) at least two attendants are physically present on the licensed premises between the hours of 11:30 p.m. and 6:00 a.m., if and while the licensed premises is open for business during such hours or any portion thereof;

(2) if the self-service, coin-operated laundry is open for business between the hours of 11:30 p.m. and 6:00 a.m., (i) install and maintain a time-lapse video surveillance system to monitor the licensed premises during such hours, and (ii) retain on the licensed premises the video surveillance footage for a period of at least 30 days;

(3) if the self-service, coin-operated laundry is open for business between the hours of 11:30 p.m. and 6:00 a.m., not place, not operate and not maintain any automatic amusement device on the licensed premises;

(4) post a sign on the licensed premises alerting patrons to the fact that it is a violation

of subsection (h) of this section for any person, other than employees and necessary maintenance personnel, to be or remain on the licensed premises between the hours of 11:30 p.m. and 6:00 a..m unless such person is using or intends to use the equipment and services offered therein to do such person's laundry.

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

(1) lighted and ventilated in accordance with the requirements of the building provisions of this Code;

(2) provided with adequate and sanitary plumbing installed in accordance with the requirements of the building provisions of this Code. All water closets, sinks or other plumbing fixtures installed in such laundry shall be impermeable, thoroughly sanitary and of an approved type as specified in the building provisions of this Code;

(3) in rooms or places where no laundering occurs, provided with floors constructed of hardwood or other impervious material;

(4) in rooms or places where laundering occurs, provided with floors constructed of either (i) hardwood with tight joints; (ii) concrete; (iii) cement; (iv) tile or stone laid in cement; or (v) other impervious materials. Such floors shall be watertight, including at all angles where floors and walls join, and shall properly drained to a public sewer;

(5) in washrooms, provided with floors constructed of either (i) concrete; (ii) cement; (iii) tile or stone laid in cement; or (iv) other impervious materials. Such floors shall be watertight and shall properly drain to the public sewer.

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

(7) provided with sufficient cloak room(s) or locker room(s) for employees to keep their wraps or outer clothing or any special or designated garment required to be worn during the hours of employment. Such rooms shall be entirely separate from the room(s) in which laundry is washed or dried and shall provide employees, who are required to change their garments, with a reasonable degree of privacy;

(8) provided with proper seating facilities for each employee who is required to remain stationed at any place for an extended period of time;

(9) equipped with proper devices, such as hoods or exhaust fans, to deflect heat from machines or mechanical devices operated by employees and capable of emitting excessive heat;

(10) provided with proper facilities and equipment for the separate handling of clean and soiled laundry and other fabrics;

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of laundry service to:

(1) knowingly allow any employee or other person infected with or carrying a communicable disease to work in any capacity in any area of the laundry where there is a likelihood that persons infected with or carrying such disease may contaminate the laundry or laundered items or transmit the communicable disease to other employees or patrons of the laundry;

(2) allow any person to sleep in any laundry or to maintain any sleeping room or living room in direct connection with any laundry;

(3) keep or store any laundered or unlaundered clothing or fabric belonging to the laundry in any room that is used for living purposes;

(4) if the laundry is located in a building that contains any residential occupancy, (i) operate such laundry between the hours of 8:00 p.m. and 6:00 a..m., or (ii) wash laundry by means other than an enclosed washing machine, or (iii) wash laundry using an enclosed washing machine with a capacity exceeding ten pounds of dry goods per machine.

(5) permit any vapor, smoke or odor emanating at any time from the laundry to become a nuisance within any portion of the licensed premises or to any adjoining or nearby premises;

(6) permit clean and laundered articles of clothing or fabric to come into contact at any time with soiled or unlaundered articles of clothing or fabric;

(7) remove or to cause to be removed from the licensed premises any laundered article of clothing or other fabric, unless such article of clothing or fabric has been (i) thoroughly sterilized by keeping such article of clothing or fabric in a washing machine, vat or other vessel provided for that purpose containing water that is either brought to a boiling temperature or maintained at a temperature of 175 degrees Fahrenheit for at least twenty minutes; or (ii) subjected to live steam under pressure; or (iii) kept in a drying house or drying tumbler at a temperature of not less than 215 degrees Fahrenheit for a period of not less than 15 minutes; or (iv) passed through an ironing machine where the ironing surface is at a temperature of not less than 225 degrees Fahrenheit. Provided, however, that if the article of clothing or fabric being laundered is silk or wool or is otherwise subject to damage if the processes set forth in items (i)

through (iv) above are used, such article of clothing or fabric shall be treated with soap, bleach or other standard disinfectant solutions as shall be approved by the applicable bureau of the department of buildings.

(8) sprinkle or to cause any fabric to be sprinkled with water or any other liquid substance ejected from the mouth or from any device that comes into contact with the mouth of any person.

(9) maintain any laundry in a manner that is dangerous or detrimental to the health of the general public or to any employee of such laundry.

(g) *Departmental duties – Inspections.*

(1) The department of business affairs and consumer protection, the department of buildings and the department of health are hereby authorized to inspect or to cause to be inspected any laundry service licensed or required to be licensed under this chapter for compliance with the requirements of this Code.

(h) *Prohibition applicable to the general public – Penalty.* It shall be unlawful for any person, other than employees and necessary maintenance personnel, to be or remain on the licensed premises between the hours of 11:30 p.m. and 6:00 a.m., unless such person is using or intends to use the equipment and services offered therein to do such person's laundry. Any person who violates this subsection (h) shall be subject to a fine of not less than $250.00 nor more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Article V. Residential Real Estate Developer

4-6-050 Residential real estate developer.

(a) *Definitions.* As used in this section:

"Act related to residential real estate development" means: (1) any activity requiring a license under this chapter; (2) any conduct regulated by this section; or (3) any activity requiring a building permit issued under Chapter 13-32 of this Code; or (4) any activity requiring a certificate of zoning compliance issued under Section 3-33-045; or (5) any duty or other requirement imposed by this chapter; or (6) any inspection of a building or premises or performance of other legal or work-related duty by a city inspector, city personnel or any other government official in connection with: (i) the issuance of a regulated business license under this chapter to engage in the business of residential real estate developer, or (ii) the issuance of a building permit under Chapter 13-32 of this Code, or (iii) the issuance of certificate of zoning compliance under Section 3-33-045, or (iv) for the purpose of enforcing the requirements of the building code, zoning code or any other law regulating building construction or the health or safety of construction site workers, of the current or eventual users or occupants of a building or premises or of the general

public.

"Closing of the sale" means the operation of transferring ownership to the purchaser from the developer.

"Improves a residential building" means any construction, reconstruction, enlargement, installation, repair, alteration or renovation of a residential building or any portion thereof which requires a permit and either (i) involves increasing the floor area or height of a residential or family unit, or substantially altering the plumbing or electrical service of a residential or family unit; or (ii) encompasses 50% or more of the square footage of any residential or family unit, as measured before the construction, reconstruction, enlargement, installation, repair, alteration or renovation began. For purposes of this definition: "Family unit" has the meaning ascribed to the term in section 13-4-010. "Residential unit" has the meaning ascribed to the term in section 13-56-020.

"Knowingly", with respect to a material fact, means (i) having actual knowledge of the material fact; or (ii) being aware of facts or information that would cause a reasonable person to have actual knowledge of the material fact; or (iii) acting in deliberate ignorance or reckless disregard of the truth or falsity of the material fact.

"Prospective purchaser" means any person who visits a residential real estate development site for the purpose of inspecting it for possible purchase.

"Residential real estate developer" means any person who (1) acquires land regardless of whether improved; and (2) either improves vacant land so acquired with a residential building as defined in the Chicago Zoning Ordinance, or improves a residential building as defined in the Chicago Zoning Ordinance on improved land so acquired; and (3) sells the land or residential building, or any portion thereof. The term does not include persons who make improvements on property that constitutes their primary residence if (i) the primary residence is a single-family dwelling, or a multiple-family dwelling that does not exceed three stories in height and contains six or fewer dwelling units as defined in section 13-4-010; and (ii) no more than one such property is sold by the person during a calendar year.

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

(1) a description of the type of solicitation in which the applicant will engage;

(2) a statement as to whether, within ten years of the date of application or renewal, the applicant or any controlling person has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the

commission of a felony or criminal offense of whatever type or degree involving bribery, receipt of stolen property, fraud, theft, personal dishonesty, deception or forgery;

(3) a statement as to whether the applicant or any controlling person is currently under indictment or has been charged under any State or Federal law with the crime of bribery;

(4) the legal name and address of each residential real estate developer with whom the applicant, within the last four years, is or has been affiliated as a controlling person.

(c) *License issuance and renewal– Prohibited when.* No regulated business license to engage in the business of residential real estate developer shall be issued to the following persons:

(1) any applicant or licensee, as applicable, whose license to engage in the business of residential real estate developer under Title 4 has been revoked for cause at any time within the last four years;

(2) any applicant or licensee, as applicable, who, within ten years of the date of application or renewal, has been convicted, in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving bribery, unless, upon the request of such person, the commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;

(3) any applicant or licensee, as applicable, who is currently under indictment or has been charged under any State or Federal law with the crime of bribery.

(d) *Legal duties.* Each licensee engaged in the business of residential real estate developer shall have a duty to:

(1) post a photocopy of the license in a conspicuous place at each residential real estate development site and office maintained by the licensee;

(2) print the residential real estate developer's license number in the following places: (i) on the front page of every estimate, contract and subcontract for residential real estate development; (ii) in any advertisement placed by or on behalf of the residential real estate developer; (iii) on every application for a building permit; and (iv) on every contract of sale;

(3) affix a sign in a conspicuous location at any place where sales information about a residential building or any portion thereof is made available for distribution to prospective purchasers. The sign shall notify prospective purchasers of their right to request and immediately receive a written disclosure statement containing the information described in paragraph (4) of this subsection (d). The lettering on the sign shall be in prominent type, clearly visible to and

readable by the public, and in a color that contrasts with the background color of the sign;

(4) upon request, provide prospective purchasers with a written disclosure statement identifying (i) the name, business address, business telephone number and license number of the general contractor who did or will construct or improve the residential building; and (ii) the name, business address and business telephone number of every person owning twenty-five percent or more of the interest in the licensee or in any person requiring a license under this chapter;

(5) provide every purchaser, at the closing of the sale, with a written disclosure statement identifying (i) the name, business address, business telephone number and license number of the general contractor who constructed or improved the residential building or any portion thereof identified in the sales contract; and (ii) the name, business address and business telephone number of every person owning twenty-five percent or more of the interest in the licensee or in any person requiring a license under this chapter;

(6) comply with the requirements of Section 2-45-110, if applicable;

(7) comply with the requirements of Chapter 13-72 of this Code, if applicable.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of residential real estate developer to:

(1) knowingly make or cause to be made a false statement of material fact on or in connection with any license, certificate or permit application connected in any way with an act related to residential real estate development;

(2) knowingly submit or cause to be submitted in support of a license, certificate or permit application any document connected in any way with an act related to residential real estate development that contains false or fraudulent information;

(3) knowingly affix or cause to be affixed a false signature on any license, certificate or permit application connected in any way with an act related to residential real estate development;

(4) bribe or attempt to bribe or cause others to bribe or attempt to bribe any city inspector, city personnel, government official or other person in connection with an act related to residential real estate development;

(5) knowingly engage or cause others to engage in any conduct connected in any way with an act related to residential real estate development in violation of the Illinois Architecture Practice Act; the Illinois Professional Land Surveyor Act; the Illinois Professional Engineering Practice Act; or the Illinois Structural Engineering Act;

(6) do work related in any way to residential real estate development or to direct, permit, encourage, assist, aid, abet or cause others to do work related in any way to residential real estate development: (i) without first having obtained any license, permit or certificate required by law; or (ii) in violation of any license, permit or certificate required by law; or (iii) contrary to any drawings or plans approved by the appropriate department in connection with the issuance of any building permit required by law; or (iv) in violation of any stop work order; (v) in violation of the Chicago Zoning Ordinance; or (vi) in a manner that fails to conform to the minimum standards of health or safety set forth in this Code or any other applicable law, or that otherwise endangers the health or safety of workers on a construction site, the current or eventual users or occupants of a building or premises or any part thereof or the general public.

In addition to any other penalty provided by law, any person who violates any requirement set forth in subsection (e)(1) through (e)(6), inclusive, of this section shall be subject to a fine of not less than $2,000.00 nor more than $10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(f) *License suspension pending final adjudication of bribery charge.* If the commissioner has knowledge that a licensee engaged in the business of residential real estate developer under Title 4 or any controlling person has been indicted or charged with any offense set forth in subsection (e)(4) of this section or with a similar offense under any State or Federal law and the commissioner determines that continued operation of the licensed business or activity may pose a threat to the public health, safety or welfare or may threaten to impair public confidence in the licensed business or activity, the commissioner may suspend the regulated business license of such licensee authorizing such licensee to engage in the business of residential real estate developer, in accordance with the requirements of Section 4-4-280, until final adjudication is made with respect to such offense. The subject matter of any hearing conducted under Section 4-4-280 shall be limited to determining: (1) whether the licensee or any controlling person has, in fact, been indicted or charged with any offense set forth in subsection (e)(4) of this section or with a similar offense under any State or Federal law; and (2) whether such offense is connected in any way with an act related to residential real estate development; and (3) whether continued operation of the licensed business or activity may pose a threat to the public health, safety or welfare or may threaten to impair public confidence in the licensed business or activity. The burden of proving that continued operation of the licensed business or activity does not pose a threat to the public health, safety or welfare and does not threaten to impair public confidence in the licensed business or activity shall be on the licensee.

(g) *License revocation – Four-year wait for new license.* No person whose license to engage in the business of residential real estate developer is revoked for cause shall be granted another license under this Code to engage in such business activity at the same or different location, or under the same or different name, for a period of four years from the date of revocation.

Article VI. Tattooing, Body Piercing and Tanning Facility

4-6-060 Tattooing, Body Piercing and Tanning Facilities.

(a) *Definitions.* As used in this section:

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

"Body piercing" means penetrating the skin to make a hole, mark or scar that is generally permanent in nature. "Body piercing" does not include (1) practices that are considered to be medical procedures; or (2) puncturing the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system.

"Tanning facility" or "tanning facilities" means a room or booth or group of rooms or booths that houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living human body for cosmetic or nonmedical related purposes. The term does not include any hotel or motel guest room(s) where sunlamps are installed in the restroom area.

"Tattooing" means making permanent marks on the skin of a live human being by puncturing the skin and inserting indelible colors. "Tattooing" includes imparting permanent make-up on the skin, such as permanent lip coloring and permanent eye-liner. "Tattooing" does not inlude any of the following: (1) the practice of electrology, as defined in the Electrologist Licensing Act, codified at 225 ILCS 412/1 et seq.; or (2) the practice of acupuncture, as defined in the Acupuncture Practice Act, codified at 225 ILCS 2/1 et seq.; or (3) the use, by a physician licensed to practice medicine in all of its branches, of colors, dyes or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical or figurative purposes.

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

(1) a certificate of insurance, as required under subsection (c)(1) of this section.

(c) *Legal duties.* Each licensee engaged in the business of tattooing, body piercing or tanning facility shall have a duty to:

(1) obtain commercial general liability insurance, with limits of not less than $300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. The policy of insurance required under this section shall (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as additional insured; and (iii) include a provision requiring 30 days' advance notice to the commissioner of health prior to

cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license period. A copy of such certificate of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection may result in license revocation in accordance with the requirements set forth in Section 4-4-280.

(2) maintain the licensed premises in a clean and sanitary condition;

(3) perform body piercing or tattooing in a manner consistent with aseptic technique, as defined in this section;

(4) comply with all applicable state laws and regulations, including, but not limited to, the Tanning Facility Permit Act, codified at 210 ILCS 145/1 et seq., and the Tattoo and Body Piercing Establishment Registration Act, codified at 410 ILCS 54/1 et seq.

(d) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of tattooing, body piercing or tanning facility to:

(1) to tattoo or to offer to tattoo any person under the age of 21;

(2) to pierce the tongue, lips, cheek or any other area of the oral cavity of a person under 18 years of age without written consent of a parent or legal guardian of that person;

(3) to allow any person under 18 years of age to tan themselves in a tanning facility without written consent of a parent or legal guardian of that person.

(e) *Penalty.* Any person who violates any requirement of subsection (c)(1), (c)(2), (c)(3), (c)(4) of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than $500.00 and not more than $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Any person who violates any other requirement of this section shall be subject to a fine of not less than $2,000.00 nor more than $10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(f) *Enforcement – Rules – Closure order.* The department of health shall (i) administer and enforce this section; and (ii) promulgate rules and regulations to implement the requirements of this section. In addition to any other penalty provided by law, the department of health may order, in accordance with the requirements of due process, the closure of any place where a violation of subsections (c)(2), (c)(3) or (c)(4) of this section is observed. Such closure shall remain in effect until the commissioner of health determines that the condition giving rise to the closure has been abated.

Article VII. Day Labor Agency

4-6-070 Day labor agency.

(a) *Definitions.* As used in this section:

"Contract employer" means any person who obtains the services of one or more individuals through an agreement with a day labor agency, regardless of whether such agreement is oral or in writing.

"Day labor" means labor or employment that is (1) irregular or occasional; and (2) not longer than the time required to complete the assignment for which the person was hired; and (3) where wage payments are made directly or indirectly by the day labor agency or the contract employer for work undertaken by one or more day laborers. The term "day labor" does not include secretarial, clerical or professional services.

"Day laborer" means any person referred by a day labor agency to a contract employer to perform day labor or seeking such a referral.

"Day labor agency" or "agency" means any entity engaged in providing day labor workers for a contract employer. The term does not include any not-for-profit organization.

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

(1) if the applicant owns or operates a day labor agency in any jurisdiction other than the City of Chicago, the name, address and location of such day labor agency and the applicant's disciplinary history at each such day labor agency;

(2) a copy of the applicant's license issued under the Illinois Day Labor Services Act;

(3) a statement as to whether, within five years of the date of application or renewal, the applicant has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving moral turpitude or dishonesty;

(4) a statement as to whether, within five years of the date of application or renewal, the applicant has admitted guilt in any civil or criminal proceeding in connection with the commission of any crime involving moral turpitude or dishonesty;

(5) a statement as to whether, within ten years of the date of application or renewal, the applicant has had any license, permit, certificate or its equivalent in any jurisdiction, which

authorized such applicant to engage in the business of day care agency or its equivalent in such jurisdiction, suspended or revoked for cause.

(c) *License issuance and renewal– Prohibited when.* No regulated business license to engage in the business of day labor agency shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who is required to hold, but does not hold, a valid license issued under the Illinois Day Labor Services Act;

(2) any applicant or licensee, as applicable, who, within five years of the date of application or renewal, has been convicted, in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving moral turpitude or dishonesty;

(3) any applicant or licensee, as applicable, who, within five years of the date of application or renewal, has admitted guilt in any civil or criminal proceeding in connection with the commission of any crime involving moral turpitude or dishonesty;

(4) any applicant or licensee, as applicable, who, within ten years of the date of application or renewal, has had any license, permit, certificate or its equivalent in any jurisdiction, authorizing such applicant or licensee to engage in the business of day care agency or its equivalent in such jurisdiction, suspended or revoked for cause.

(d) *Legal duties.* Each licensee engaged in the business of day labor agency shall have a duty to:

(1) provide toilet facilities within its place of business to accommodate the needs of day laborers using the agency;

(2) maintain the temperature in the area of the agency where day laborers await referral or transportation to within three degrees Fahrenheit of the temperature of the area reserved for the agency's manager or other non-day labor employees;

(3) obtain from the department of buildings and post on the licensed premises an occupancy placard indicating the permitted capacity of the area of the day labor agency where day laborers await referral or transportation to a contract employer;

(4) equip the licensed premises with benches or chairs or any combination thereof in numbers sufficient to accommodate the number of persons identified on agency's occupancy placard required under subsection (d)(3) of this section;

(5) pay a day laborer for each hour such laborer works, or for each hour for which the

agency receives compensation from a contract employer in relation to such day laborer, whichever number of hours is greater;

(6) at the time a day laborer applies for placement with a contract employer, disclose to such day laborer the cost of each item of clothing or equipment required to be used by the day laborer in connection with that placement;

(7) be responsible for the conduct and performance of any person who transports a day laborer from the agency to a work site, unless (i) the transporter is the Chicago Transit Authority or another component of the Regional Transportation Authority; or (ii) the day laborer provides his or her own transportation; or (iii) the transporter is selected exclusively by and at the sole choice of the day laborer without mandatory direction from the day labor agency and such transporter is paid by the day laborer for transportation in a vehicle not owned or operated by the day labor agency;

(8) if the day labor agency refers a day laborer to a public passenger vehicle licensee for transportation, ensure that the vehicle and its operator are in compliance with Chapter 9-112 of this Code and all regulations promulgated thereunder. Provided, however, that informing a day laborer of the availability of a car pool driven by another day laborer shall not be considered a referral by the agency. Provided further, that directing the day laborer to accept a specific car pool as a condition of work shall be considered to be a referral. Any mention or discussion of the cost of the car pool shall also be considered a referral by the agency;

(9) post in a conspicuous location a sign in English, Polish and Spanish, describing the rights and obligations of the agency and day laborers. The content of such sign and description shall be determined by the commissioner;

(10) comply with the Chicago Human Rights Ordinance, Chapter 2-160 of this Code, in connection with every decision and action of the day labor agency affecting the selection, hiring, assignment, compensation, retention and all other conditions of employment of day laborers;

(11) create an accurate record of each transaction by which a day laborer was sent to a contract employer. Such record shall include (i) the name of the day laborer and the date of the transaction; (ii) the address of the day laborer; (iii) the race and gender of the day laborer, as provided by the laborer; (iv) the name, address and telephone number of the contract employer; (v) the name and title of the individual at the contractor employer's place of business responsible for the transaction; (vi) the type of work to be performed by the day laborer; (vii) any specific qualifications or attributes of a day laborer, requested by the contract employer; (viii) the hourly rate of pay to the day laborer; (ix) the compensation payable by the contract employer to the agency; (x) the number of hours worked by the day laborer; (xi) actual deductions from the day laborer's compensation made either by the contract employer or by the agency for the day laborer's transportation, food, equipment, withheld income tax, withheld social security payments and every other deduction; (xii) the nature, brand and unit price of any equipment given to the day

laborer and a listing of all fees, taxes or other items for which a deduction is taken from the laborer's pay; (xiii) the number of hours to be worked by the day laborer; and (xiv) any additional information required by regulations issued by the department;

(12) maintain all records under subsection (d)(11) of this section for a period of five years from the date of their creation, and, upon request by any authorized city official, make such records available for inspection during normal business hours by such authorized city official;

(13) upon demand by any individual day laborer, make such individual's records within the meaning of subsection (d)(11) of this section available to such day laborer, during normal business hours, for inspection by such day laborer;

(14) provide to each day laborer a work ticket, signed by an employee of the agency when the day laborer is dispatched from the agency office. If the day laborer is not placed with a contract employer for that day, the agency shall provide the day laborer with a confirmation signed by an employee of the agency, which shall include the items described in items (i), (ii) and (xiv) of subsection (d)(11) of this section, plus the time that the day laborer receives such confirmation. If the day laborer is placed with a contract employer, the ticket shall include the information described in subsections (i), (iv), (vi), (viii), (xii), (xiii) and (xiv) of subsection (d)(11) of this section, plus the time the day laborer is dispatched to the contract employer and the time of return. If the day laborer returns to the agency at the conclusion of the work day, the agency shall add items (x) and (xi) to the ticket. If the day laborer has a regular assignment where he or she goes directly to the work site, and is not required to appear at the day labor agency, the day labor agency shall coordinate with the work site supervisor to provide the day laborer, upon request, a copy of the record kept at the work site of the hours worked by the day laborer.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of day labor agency to:

(1) charge a day laborer for use of the agency's toilet facilities;

(2) charge, or to allow a contract employer to charge, a day laborer for transportation to or from the contract employer's work site;

(3) charge a day laborer for the use of any item of clothing or equipment that is returnable to the agency;

(4) require, as a condition of placing a day laborer with a contract employer, that the day laborer purchase or rent from the agency or from the contract employer any item of clothing or equipment, if the employee has in his possession substantially equivalent clothing or equipment;

(5) charge a laborer for any item of equipment or clothing that he or she returns to the

agency by the end of the next business day and in a usable condition;

(6) charge a worker for any disposable item of equipment;

(7) make any false, inaccurate or incomplete entry into any record required under subsection (d)(11) or (d)(14) of this section or to delete required information from any such record.

Article VIII. Adult Family Care Center

4-6-080 Adult family care center.

(a) *Definitions.* As used in this section:

"Activities of daily living" means functions and tasks for self-care, including, but not limited to, eating, bathing, grooming, dressing, ambulating and other similar tasks.

"Adult family care center" or "center" means a dwelling unit, as defined in Section 17-17-0248, that is owned or rented for the purpose of providing three or more adults, ages 55 or older, with room, board and personal care on a 24-hour basis. The term "adult family care center" does not include (1) any hospital, institution or similar place operated by the federal, state or local government; (2) any entity licensed by the State of Illinois as (i) a long term care facility; (ii) a hospital or sanitarium; (iii) a community living facility; (iv) a community-integrated living arrangement; (v) a life care facility; (vi) a hospice; (vii) a shared housing establishment; or (viii) an assisted living establishment; (3) a single-room occupancy unit or bed-and-breakfast establishment licensed by the City; or (4) any arrangement whereby a person who owns or rents a home or dwelling unit provides room, board and personal services only to his or her relatives.

"Personal services" or "personal care" means individual assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services.

"Relative" means any person related to the licensee by blood, marriage, legal adoption or guardianship.

"Resident(s)" means any person, who is not a relative of the licensee, who receives room, board and personal care in an adult family care center.

"Self-administration of medicine" means and includes, but is not limited to, reminding a resident to take medication; reading the medication label to a resident; checking the medication dosage against the label; confirming that a resident has obtained and is taking the dosage as prescribed; documenting, in writing, that a resident has taken or refused to take the medication; and, if a resident is unable to open the medication container, opening the container for such resident.

"Semi-private room" means a room occupied by no more than two residents at any given time.

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

(1) proof that the applicant or licensee, as applicable, owns or leases the premises in which the facility will be located;

(2) the location of the facility;

(3) the total number of residents that will be housed at the facility at any given time;

(4) the name and address of the person(s) responsible for supervising or managing the facility;

(5) proof of fingerprinting, as required under subsection (e)(1) of this section;

(6) proof of insurance, as required under subsection (e)(2) of this section;

(7) a statement as to whether, within ten years of the date of application or renewal, (i) the applicant, or (ii) any controlling person, or (iii) any member of the applicant's household residing at the center who is 18 years of age or older, or (iv) any manager or supervisor at the center has ever been convicted, in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type or a criminal offense of whatever degree involving neglect or abuse of an elderly person, domestic violence, drugs or narcotics, violence, fraud, theft, personal dishonesty, deception or forgery;

(8) proof that the licensee holds a valid certificate of registration in food handling and sanitation issued by the department of health;

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

(c) *Departmental duties – Inspections.*

(1) The commissioner of the department of business affairs and consumer protection shall have the following duties: (i) upon receipt by the department of any application for a regulated business license to engage in the business of adult family care center, to forward such application to the department of health; and (ii) upon issuance of a regulated business license to

engage in the business of adult family care center, to so notify the alderman of the affected ward.

(2) The board of health or commissioner of health, as applicable, shall notify the commissioner of business affairs and consumer protection if such board or commissioner orders an adult family center closed.

(3) Except as otherwise provided in subsection (d)(4) of this section, the department of health, the department of family and support services, the fire department's bureau of fire prevention and the department of buildings shall conduct annual inspections of every adult family care center licensed or required to be licensed under this section.

(4) The department of family and support services is authorized to inspect any adult family care center licensed or required to be licensed under this chapter.

(d) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of adult family care center shall be issued to:

(1) any applicant or licensee, as applicable, who does not own or lease the premises in which the center will be located;

(2) any applicant or licensee, as applicable, who has been previously licensed by the city and whose city license has been revoked for cause at any time within two years of the date of application or renewal;

(3) any applicant or licensee, as applicable, if, within ten years of the date of application or renewal, the applicant or licensee, or any controlling person, or any member of the applicant's household residing at the center who is 18 years of age or older, or any manager or supervisor at the center has ever been convicted, in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type or a criminal offense of whatever degree involving neglect or abuse of an elderly person, domestic violence, drugs or narcotics, violence, fraud, theft, personal dishonesty, deception or forgery;

(4) any applicant or licensee, as applicable, unless, prior to issuance of any initial license, the department of health, the bureau of fire prevention and the department of buildings inspect the premises to determine whether the center is in compliance with the requirements of this Code and any rules and regulations promulgated thereunder pertaining, respectively, to health and sanitation, fire prevention, and the building provisions of this Code;

(5) any applicant or licensee, as applicable, unless such person holds a valid certificate of registration in food handling and sanitation issued by the department of health.

(e) *Legal duties.* Each licensee engaged in the business of adult family care center

shall have a duty to:

(1) submit to fingerprinting, in accordance with rules and regulations promulgated by the commissioner. The following persons shall be fingerprinted: (i) the applicant or licensee, as applicable; (ii) any controlling person, (iii) any member of the applicant's household residing at the center who is 18 years of age or older, and (iv) any manager or supervisor at the center;

(2) obtain commercial general liability insurance, with limits of not less than $300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. The policy of insurance required under this section shall (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as additional insured; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license period. A copy of such certificate of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection may result in license revocation in accordance with the requirements set forth in Section 4-4-280;

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

(4) equip the center with an automatic air-cooling system or equipment capable of maintaining the interior summer design temperature of 75 degrees Fahrenheit at 50% relative humidity level in all living quarters, dining areas, bathrooms, common rooms and connecting corridors; monitor the interior temperature and humidity level in all living quarters, dining areas, bathrooms, common rooms and connecting corridors on a regular basis; and provide air cooling as needed to maintain the interior temperature and humidity level specified in this subsection;

(5) maintain records to show proof, satisfactory to the commissioner, that the licensee, all controlling persons, every member of the applicant's household residing at the center who is 18 years of age or older, and every employee, supervisor and caregiver working at the center does not have a criminal background or history of offenses of the type set forth in subsection (d)(3) of this section; and to immediately notify the department of health, if any such person has admitted to, been found liable of, or been convicted of, any such offense;

(6) maintain a legally enforceable, written agreement with each resident of the center

setting forth the term of occupancy and services to be provided to such resident, as well as any additional terms or conditions set forth in duly promulgated rules and regulations issued by the board of health, department of health or department of business affairs and consumer protection;

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

(8) hold a valid certificate of registration in food handling and sanitation issued by the department of health.

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of adult family care facility to:

(1) operate an adult family care facility on premises that the licensee does not own or lease.

(f) *Enforcement – Rules.* The board of health and department of health are authorized to adopt and enforce reasonable rules and regulations relating to the operation and conduct of adult family care facilities. Such rules and regulations may include, but are not limited to, the following: (i) the terms and conditions of the written agreement required under subsection (e)(6) of this section; (ii) public health and safety issues; (iii) qualifications, training standards and responsibilities of licensees and staff; (iv) criteria and procedures for determining the appropriateness of a resident's placement and continued residency in an adult family care center; and (v) procedures for providing notice and assuring the least possible disruption of residents' lives when residents are relocated, or an adult family care center is closed, or the ownership of an adult family care center is transferred to another person. In addition, the board of health and department of health may adopt and enforce all existing and future laws and regulations adopted by the State of Illinois that relate to the operation of adult family care facilities to the extent that such regulation is permitted under the home rule powers of the city.

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement of this chapter shall be subject to a fine of not less than $300.00 nor more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Article IX. Assisted Living Establishment

4-6-090 Assisted living establishment.

(a) *Definitions.* As used in this section:

"Assisted Living and Shared Housing Act" or "Act" means the Assisted Living and Shared Housing Act, codified at 210 ILCS 9/1, et seq.

"Assisted living establishment" shall have the meaning set forth in the Act.

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

(1) the location of the establishment;

(2) the total number of residents that will be housed at the establishment at any given time;

(3) the level of care that will be provided at the establishment;

(4) the name and address of the person(s) responsible for administering, supervising or managing the establishment;

(5) proof that the applicant or licensee, as applicable, is properly licensed by the State of Illinois to engage in the business of assisted living establishment;

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

(c) *Departmental duties – Inspections.*

(1) The commissioner of the department of business affairs and consumer protection shall have the following duties: (i) upon receipt by the department of any application for a regulated business license to engage in the business of assisted living establishment, to forward such application to the department of health; and (ii) upon issuance of a regulated business license to engage in the business of assisted living establishment, to so notify the alderman of the affected ward.

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

(3) The department of health, the bureau of fire prevention and the department of buildings shall conduct bi-annual inspections of every assisted living establishment licensed or required to be licensed under this chapter.

(4) The department of family and support services is authorized to inspect any assisted living establishment licensed or required to be licensed under this chapter.

(d) *License issuance and renewal – Prohibited when.* No license to engage in the business of assisted living establishment shall be issued to the following persons:

(1) any applicant or licensee, as applicable, that is not properly licensed by the State of Illinois to engage in the business of assisted living establishment;

(2) any applicant or licensee, as applicable, unless, prior to issuance of any initial license to engage in the business of assisted living establishment, the department of health, the bureau of fire prevention and the department of buildings inspect the establishment to determine whether the establishment is in compliance with the requirements of this Code and any rules and regulations promulgated thereunder pertaining, respectively, to health and sanitation, fire prevention and the building provisions of this Code.

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

(1) comply with the minimum requirements and standards applicable to assisted living establishments, as set forth in the Assisted Living and Shared Housing Establishment Act, and all rules and regulations promulgated thereunder applicable to assisted living establishments. The Assisted Living and Shared Housing Establishment Act, and all such applicable rules and regulations promulgated thereunder, shall be incorporated herein and shall hereby be made a part of this section;

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

(3) equip the establishment with an automatic air-cooling system or equipment capable of maintaining the interior summer design temperature of 75 degrees Fahrenheit at 50% relative humidity level in all living quarters, dining areas, bathrooms, common rooms and connecting corridors; monitor the interior temperature and humidity level in all living quarters, dining areas, bathrooms, common rooms and connecting corridors on a regular basis; and provide air cooling as needed to maintain the interior temperature and humidity level specified in this subsection;

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

(f) *Enforcement – Rules.* The board of health and department of health are authorized to adopt and enforce reasonable rules and regulations relating to the operation and conduct of assisted living establishments. Such rules and regulations (i) shall include all minimum

requirements and standards for assisted living establishments set forth in the Assisted Living and Shared Housing Establishment Act and all rules and regulations applicable to assisted living establishments promulgated under such Act; and (ii) may include additional rules and regulations relating to the operation and conduct of assisted living establishments, including, but not limited to, rules and regulations to address public health and safety issues, to the extent that such additional rules and regulation are permitted under the home rules powers of the city.

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement of this chapter shall be subject to a fine of not less than $300.00 nor more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Article X. Long-Term Care Facility

4-6-100 Long-term care facility.

(a) *Definitions.* As used in this section:

"Long-term care facility" has the meaning set forth in the Nursing Home Care Act.

"Nursing Home Care Act" or "Act" means the Nursing Home Care Act, codified at 210 ILCS 45/1-101 et seq.

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

(1) the location of the facility;

(2) the total number of residents that will be housed at the facility at any given time;

(3) the level of care that will be provided at the facility;

(4) the name and address of the person(s) responsible for administering, supervising or managing the facility;

(5) proof that the applicant or licensee, as applicable, is properly licensed by the State of Illinois to engage in the business of long-term care facility;

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

(c) *Departmental duties – Inspections.*

(1) The commissioner of the department of business affairs and consumer protection shall have the following duties: (i) upon receipt by the department of any application for a regulated business license to engage in the business of long-term care facility, to forward such application to the department of health; and (ii) upon issuance of a regulated business license to engage in the business of long-term care facility, to so notify the alderman of the affected ward.

(2) The board of health or commissioner of health, as applicable, shall notify the commissioner of business affairs and consumer protection if such board or commissioner orders any long-term care facility closed.

(3) Except as otherwise provided in subsection (d)(2) of this section, the department of health, the bureau of fire prevention and the department of buildings shall conduct bi-annual inspections of every long-term care facility licensed or required to be licensed under this chapter.

(4) The department of family and support services is authorized to inspect any long-term care facility licensed or required to be licensed under this chapter.

(d) *License issuance and renewal – Prohibited when.* No license to engage in the business of long-term care facility shall be issued to the following persons:

(1) any applicant or licensee, as applicable, that is not properly licensed by the State of Illinois to engage in the business of long-term care facility;

(2) any applicant or licensee, as applicable, unless, prior to issuance of any initial license to engage in the business of long-term care facility, the department of health, the bureau of fire prevention and the department of buildings inspect the premises to determine whether the facility is in compliance with the requirements of this Code and any rules and regulations promulgated thereunder pertaining, respectively, to health and sanitation, fire prevention and the building provisions of this Code.

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

(1) comply with the applicable minimum requirements and standards established in the Nursing Home Care Act and any rule and regulation promulgated thereunder. The Nursing Home Care Act and all rules and regulations promulgated under the Act shall be incorporated herein and shall hereby be made a part of this section;

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

(3) equip the facility with an automatic air-cooling system or equipment capable of

maintaining the interior summer design temperature of 75 degrees Fahrenheit at 50% relative humidity level in all living quarters, dining areas, bathrooms, common rooms and connecting corridors; monitor the interior temperature and humidity level in all living quarters, dining areas, bathrooms, common rooms and connecting corridors on a regular basis; and provide air cooling as needed to maintain the interior temperature and humidity level specified in this subsection;

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

(f) *Enforcement – Rules.* The board of health and department of health are authorized to adopt and enforce reasonable rules and regulations relating to the operation and conduct of long-term care facilities. Such rules and regulations shall include all minimum requirements and standards set forth in the Nursing Home Care Act and all rules and regulations promulgated under such Act, and may include additional rules and regulations relating to the operation and conduct of such facilities, including, but not limited to, rules and regulations to address public health and safety issues, to the extent that such additional rules and regulation are permitted under the home rules powers of the city.

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement of this chapter shall be subject to a fine of not less than $300.00 nor more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Article XI. Adult Family Care Home

4-6-110 Adult family care home.

(a) *Definitions.* As used in this section:

"Adult family care home" has the meaning ascribed to the term "shared housing establishment" as set forth in the Act.

"Assisted Living and Shared Housing Act" or "Act" means the Assisted Living and Shared Housing Act, as amended, codified at 210 ILCS 9/1, et seq.

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

(1) the location of the adult family care home;

(2) the total number of residents that will be housed at the adult family care home at any given time;

(3) the level of care that will be provided at the adult family care home;

(4) the name and address of the person(s) responsible for administering, supervising or managing the adult family care home;

(5) proof that the applicant or licensee, as applicable, is properly licensed by the State of Illinois as a shared housing establishment;

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

(c) *Departmental duties.*

(1) The commissioner of the department of business affairs and consumer protection shall have the following duties: (i) upon receipt by the department of any application for a regulated business license to engage in the business of adult family care home, to forward such application to the department of health; and (ii) upon issuance of a regulated business license to engage in the business of adult family care home, to so notify the alderman of the affected ward.

(2) The board of health or commissioner of health, as applicable, shall notify the commissioner of business affairs and consumer protection if such board or commissioner orders any adult family care home closed.

(3) Except as otherwise provided in subsection (d)(2) of this section, the department of health, the bureau of fire prevention and the department of buildings shall conduct bi-annual inspections of every adult family care home licensed or required to be licensed under this section.

(4) The department of family and support services is authorized to inspect any adult family care home licensed or required to be licensed under this chapter.

(d) *License issuance and renewal – Prohibited when.* No license to engage in the business of adult family care home shall be issued to the following persons:

(1) any applicant or licensee, as applicable, that is not properly licensed by the State of Illinois as a shared housing establishment;

(2) any applicant or licensee, as applicable, unless, prior to issuance of any initial license to engage in the business of adult family care home, the department of health, the bureau of fire prevention and the department of buildings inspect the adult family care home to determine whether the adult family care home is in compliance with the requirements of this Code and any

rules and regulations promulgated thereunder pertaining, respectively, to health and sanitation, fire prevention and the building provisions of this Code.

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

(1) comply with all minimum requirements and standards applicable to shared housing establishments, as set forth in the Assisted Living and Shared Housing Establishment Act, and with all rule and regulations promulgated thereunder applicable to shared housing establishments. All such minimum requirements and standards set forth in such Act, and all such rules and regulations promulgated under the Act, shall be incorporated herein and shall hereby be made a part of this section;

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

(3) equip the adult family care home with an automatic air-cooling system or equipment capable of maintaining the interior summer design temperature of 75 degrees Fahrenheit at 50% relative humidity level in all living quarters, dining areas, bathrooms, common rooms and connecting corridors; monitor the interior temperature and humidity level in all living quarters, dining areas, bathrooms, common rooms and connecting corridors on a regular basis; and provide air cooling as needed to maintain the interior temperature and humidity level specified in this subsection;

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

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

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement of this chapter shall be subject to a fine of not less than $300.00 nor more than

$500.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense.

Article XII. Automatic Amusement Operator

4-6-120 Automatic amusement operator.

(a) *Definitions.* As used in this section:

"Automatic amusement device" means any machine, which, upon the insertion of a coin, slug, token, card or similar object, or upon any other payment method, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, and includes, but is not limited to, such devices as jukeboxes, marble machines, pinball machines, movie and video booths or stands and all games, operations or transactions similar thereto under whatever name by which they may be indicated. Bingo devices are deemed gambling devices and are therefore prohibited for use except as provided by state law. If a machine consists of more than one game monitor which permits individuals to play separate games simultaneously, each separate game monitor shall be deemed an automatic amusement device.

"Automatic amusement device operator" means any person who conducts or transacts the business of distributing, placing, leasing or selling automatic amusement devices with an agreement to maintain, service or supply such device(s).

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

(1) a statement as to whether the applicant or licensee, as applicable, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction of a felony of any type or a criminal offense of whatever degree involving tax evasion, tax delinquency, the failure to pay any tax, the use of coercion or other illegal measures to promote the use of automatic amusement devices, fraud, theft, forgery, personal dishonesty or deception.

(c) *License issuance and renewal prohibited when.* No regulated business license to engage in the business of automatic amusement device operator shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction of a felony of any type or criminal offense of whatever degree involving tax evasion, tax delinquency, the failure to pay any tax, the use of coercion or other illegal measures

to promote the use of any automatic amusement device(s), fraud, theft, forgery, personal dishonesty or deception.

(d) *Departmental duties.* The commissioner of business affairs and consumer protection, the comptroller and the city clerk shall have the authority to promulgate rules and regulations pertaining to automatic amusement devices and to examine all books and records of automatic amusement device operators necessary or appropriate to ensure compliance with the requirements of this section.

(e) *Legal duties.* Each licensee engaged in the business of automatic amusement operator shall have a duty to:

(1) pay all taxes required to be paid by such licensee under Chapter 4-156 of this Code;

(2) comply with all applicable requirements set forth in Chapter 4-156 of this Code;

(3) upon request of the commissioner, the comptroller or the city clerk, make available for examination all books and records of automatic amusement device operators necessary or appropriate to ensure compliance with the requirements of this chapter.

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of automatic amusement operator to:

(1) use coercive or illegal measures to promote the distribution, placement, leasing, selling or use of any automatic amusement device;

(2) install any automatic amusement device in any establishment or location that is ineligible under this Code to have such device(s) on its premises.

Article XIII. Private Scavenger

4-6-130 Private scavenger.

(a) *Definitions.* As used in this section:

"Private scavenger" means any person engaged in the removal and disposal of garbage or other waste from any premises where the removal and disposal of such matter is not provided for by the city. The term "private scavenger" does not include any person who gathers, removes or disposes of garbage or other waste from such person's own premises without the aid of licensed private scavenger, if such person has received written permission to do so, in the form of a permit issued by the commissioner of streets and sanitation, and such person gathers, removes and disposes of the aforementioned material in the manner specified in such permit.

"Refuse container" means any commercial refuse container or compacter as defined in Section 7-28-210.

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

(1) the number of scavenger vehicles that the applicant intends to operate or use in connection with said business;

(2) the method of disposal and place of disposal of garbage or other waste being proposed by the applicant;

(3) in the case of renewal of any license, an inspection approval certificate, issued by the department of streets and sanitation and dated not earlier than 60 days preceding the date of application, for each scavenger vehicle used in the conduct of the business.

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of private scavenger shall be issued to the following persons:

(1) any applicant or licensee, as applicable, if the application for an initial license has not been approved by the department of streets and sanitation for compliance with the applicable health, sanitation and safety provisions of this Code;

(2) any applicant or licensee, as applicable, if such person has not obtained an inspection approval certification meeting the requirements of subsection (b)(3) of this section for each scavenger vehicle used in the conduct of the business;

(3) any applicant or licensee, as applicable, if the commissioner of streets and sanitation does not approve the adequacy of any recycling program required to be developed and made available by the private scavenger pursuant to subsection (e)(4) of this section;

(3) any applicant or licensee, as applicable, who fails to provide proof of compliance with requirements set forth in subsection (e)(5) of this section.

(d) *Departmental duties.*

(1) The commissioner of streets and sanitation shall enforce the provisions of this section. Such commissioner is authorized to (i) issue such reasonable orders in connection with carrying on the business of private scavenger as the commissioner deems necessary to protect the health of the public; and (ii) to issue permits, subject to reasonable terms and conditions as determined by the commissioner, to persons who desire, without the aid of a licensed private

scavenger, to gather, remove or dispose of garbage or other waste from such person's own premises.

(2) The commissioner of streets and sanitation shall review and approve the adequacy of any recycling program required to be developed and made available by a private scavenger pursuant to subsection (e)(4) of this section.

(e) *Legal duties.* Each licensee engaged in the business of private scavenger shall have a duty to:

(1) remove any diseased or dead animal, offal, rubbish, garbage, dirt, street-sweepings or other filthy, offensive or noxious substance that the licensee has contracted or undertaken to remove with dispatch and, in every particular, in a manner as clean and free from offense and with as little danger and prejudice to life and health as possible;

(2) comply with any reasonable order issued by the commissioner of streets and sanitation pursuant to authority granted to the commissioner under subsection (d)(1)(i) of this section, and to perform the work required of such licensee in such a way that no public nuisance is created;

(3) register with the commissioner of streets and sanitation, in the manner directed by the commissioner, each and every scavenger vehicle operated in the city by the licensee;

(4) develop and make available to all refuse collection customers an effective recycling program as required by Chapter 11-5 of this Code. Any hauler may subcontract with a recycling service provider, transfer station or other waste control facility to meet these requirements. The program shall be in writing and shall describe the categories of materials to be recycled, the involvement of the scavenger's or hauler's customers in the program, and the means of recycling. Such program shall be reviewed and approved by the commissioner of streets and sanitation. Included in that program shall be the specific measures required to ensure cooperation between the building manager and the municipal solid waste hauler;

(5) submit written reports to the commissioner of streets and sanitation summarizing the private scavenger's recycling activities between January 1st and June 30th, on or before August 31st, and recycling activities between July 1st and December 31st, on or before February 28th of each year. Such written report shall contain the following data and information: (i) the weight of all materials collected in total by the licensee; (ii) the weight of all materials recycled by types or categories of materials, with a separate listing estimating the weight represented by buy-back or drop- off facilities; (iii) the percentage of customers that are high density, condominium or cooperative residential buildings, and the percentage of customers that are commercial, office or retail establishments; (iv) the percentage of customers contracting for recycling services provided by or subcontracted by the hauler, and the percentage of customers subscribing to each type of recycling services if the hauler provides more than one collection

method; (v) the percentage of customers contracting for recycling services; and (vi) any other information that the commissioner of streets and sanitation may reasonably require;

(6) replace any vehicle that becomes unsuitable for the purpose for which it was originally intended with a vehicle of a type acceptable to the commissioner of streets and sanitation;

(7) notify the commissioner of streets and sanitation if the licensee suspends service at any location within the City. Such notice shall be in a form specified by the commissioner, and shall identify the licensed scavenger, the address of the location at which service has been suspended, and the name and nature of the business conducted at the location. The notice shall be delivered to the commissioner within three days after suspension of service. Any person who violates any requirement of this section shall be subject to a fine of not less than $200.00 nor more than $500.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense;

(8) obtain from the city clerk, at the time the license is issued, a metal plate or other emblem for each scavenger vehicle used in the conduct of the business so licensed. Such plate or emblem shall be stamped or plainly marked the words "Chicago Private Scavenger". Said plate or emblem shall be conspicuously displayed on each scavenger vehicle used in said business;

(9) provide refuse containers to customers and to paint or otherwise permanently affix on each refuse container the name and phone number of the licensee;

(10) remove any refuse container provided to the licensee's customer within 30 days of the date on which such customer suspends or terminates its contract with the licensee;

(11) upon termination by a customer of any contract for private scavenger service, remove any refuse container provided to the licensee's customer within three days of the date on which such termination occurred;

(12) be responsible for the appearance of any refuse container that the private scavenger provides to its customers; deliver a required refuse container free of graffiti; and remove graffiti from any refuse container within 15 business days of receiving written notification from the commissioner of streets and sanitation. Provided, however, that from December 1 to March 1, if weather conditions make removal of the graffiti impracticable, the commissioner may, by written order, extend the time for removal of the graffiti to such time when removal would be practicable. Any person who violates any provision of this section shall be subject to a fine of not less than $100.00 nor more than $300.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense;

(13) carry in each of the licensee's scavenger vehicles a rake, broom, shovel or other implement of sufficient strength and durability for the removal of scattered or spilled refuse. The

commissioner of streets and sanitation may issue regulations specifying the types and conditions of implements complying with the requirements of this subsection;

(14) whenever collecting refuse, completely remove scattered refuse lying within six feet of the container or container area which the private scavenger is servicing and all refuse dropped or spilled during collection.

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of private scavenger to:

(1) provide any refuse container to any person who is a not a customer of the private scavenger or to whom the private scavenger is not providing service;

(2) violate any applicable requirement set forth in Section 7-28-226;

(3) To violate any applicable requirement set forth in Section 7-28-215.

(g) *Construction of section.* Nothing in this section shall be construed to conflict with any existing or future provision of this Code concerning the removal and disposal of dirt, filth, litter, garbage, ashes, manure, offal, swill, dead animals and other material from the public way by the city acting through its contractors or otherwise.

Article XIV. Secondhand Dealer in Children's Clothing and Children's Products

4-6-140 Secondhand dealer exclusively in children's clothing and children's products.

(a) *Definitions.* As used in this section:

"Children's clothing" means any item of apparel for use by children under eight years of age.

"Children's product" means any item of furniture manufactured for use by children under eight years of age, including, but not limited to, any crib, playpen, stroller or child carrier.

"Deal" or "transaction" means to purchase, sell, receive, trade, place on consignment or otherwise transfer children's clothing or children's products.

"Secondhand dealer" has the meaning ascribed to the term in Section 4-6-140.

(b) *Application – Additional information required.* In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a license to engage in the business of secondhand dealer in children's clothing and children's products shall be accompanied by the following information:

(1) an affidavit, signed by the applicant or licensee, as applicable, stating that such applicant or licensee will deal exclusively in children's clothing and/or children's products at the location identified in the license application.

(c) *Legal duties.* Each licensee engaged in the business of secondhand dealer in children's clothing and children's products shall have a duty to:

(1) obtain and maintain on file on the licensed premises, in paper form, all recall notifications issued over the preceding nine-year period by the United States Consumer Product Safety Commission or its successor organization;

(2) make and maintain complete and accurate records, which may include an accessible computer database capable of being printed at the licensee's business location, of every article of secondhand clothing and every children's product that is the subject of a deal or transaction as defined in subsection (a) of this section. The records required under this subsection (c)(2) shall be (i) in English; (ii) typed or printed in ink, which may include a computer printout; and (ii) made at the time the deal or transaction occurs; and (4) upon request by any city official, made available for inspection by such city official during the licensee's regular business hours.

(3) If any property that is the subject of a deal or transaction is determined by the superintendent of police to be stolen property, return such stolen property, free of charge, to its lawful owner.

(d) *Prohibited acts.* It shall be unlawful for any person engaged in the business of secondhand dealer in children's clothing and children's products to:

(1) use any property, whether private or public, that is not included within the licensed premises to store, handle or display any secondhand article of children's clothing or children's product;

(2) place, or to cause to be placed by any agent, agency, organization or natural person, any unattended receptacle for the purpose of accepting donations of any kind on public or private property without the specific written consent of the alderman of the ward in which the receptacle is placed. In addition to any other penalty provided by law, any person who violates any requirement of this subsection shall be subject to a fine of up to $500.00 per day for up to five calendar days, at which time the illegally placed receptacle may be confiscated and disposed of by the department of streets and sanitation, under the direction of the ward superintendent, who is also authorized to issue tickets to the offending agency or individual;

(3) purchase any article of children's clothing or any children's product from any minor without the written consent of such minor's parent or legal guardian. Any such written consent shall be signed in the presence of the licensee or the licensee's agent;

(4) purchase any article of children's clothing or any children's product from any person who (i) appears to be intoxicated or under the influence of any drug; or (ii) is known by the licensee to be a thief or to have been convicted of burglary or theft;

(5) purchase, sell, receive, trade, place on consignment or otherwise transfer any secondhand article of children's clothing or any children's product before the hour of 6:00 a.m. or after the hour of 9:00 p.m.;

(6) purchase, sell, receive, trade, place on consignment or otherwise transfer any children's product that does not contain the manufacturer's original label, tag or other identification. Provided, however, that this requirement shall not apply if the licensee has documentation or photographic evidence establishing the identity of the product manufacturer;

(7) erase, obliterate or deface any record required under subsecction (c)(2) of this section.

(e) *Penalty.* In addition to any other penalty provided by law, any person who violates any requirement set forth in subsections (c)(1), (c)(2), (d)(3) or (d)(5) of this section shall be subject to a fine of not less than $500.00 nor more than $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Any violation of this section or any rule or regulation promulgated thereunder on two different days within any 12-month period may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280.

Article XV. Junk Peddler

4-6-150 Junk peddlers.

(a) *Definitions.* As used in this section:

"Fence" means and includes any place for the purchase, reception or keeping of stolen goods.

"Junk" means, but is not limited to, old iron; chain; brass; copper; tin; lead or other base metals; old rope; old bags; rags; wastepaper; paper clippings; scraps of woolens; clips; bagging; rubber and glass; empty bottles of different kinds and sizes when the number of each kind or size is less than one gross; all materials, elements and components that have been used or have been purchased to be used in building construction or rehabilitation projects; and all articles and things discarded or no longer in use.

"Junk" includes items and materials stored for resale with no more processing than sorting, crushing or separation from other items and materials.

"Junk peddler" means any person who travels, with or without a vehicle, from place to

place within the city for the purpose of collecting, transporting or disposing of junk or who makes a business of purchasing junk from anyone who desires to sell it and carries it away upon purchasing it. The term "junk peddler" does not include any person issued a permit to operate a recycling facility under Article XVII of Chapter 11-4 of this Code or any agent of such person, or any person issued a permit to operate a junk facility under Article XVI of Chapter 11-4 of this Code or any agent of such person.

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

(1) a statement as to whether, within three years of the date of application or renewal, the applicant or any controlling person has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving keeping, conducting, operating or participating in any illegal operation connected with the junk peddler business;

(2) the color, make, model, vehicle license plate number and city wheel tax license emblem number of every vehicle used in relation to junk peddling by the applicant;

(3) proof of liability insurance for every vehicle used in relation to junk peddling by the applicant, as required by the Illinois Vehicle Code, codified at 625 ILCS 5/1-100 et seq.

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of junk peddler shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who, within three years of the date of application or renewal, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving keeping, conducting, operating or participating in any illegal operation connected with the junk peddler business.

(d) *Departmental duties.*

(1) The commissioner of business affairs and consumer protection shall notify the commissioner of health, the commissioner of streets and sanitation and the superintendent of police of the name and junk peddler license number of every junk peddler licensed under this section.

(2) The department of business affairs and consumer protection shall issue to each licensee an identification card stating the junk peddler's name, address, telephone number, driver's license number and junk peddler license number.

(e) *Legal duties.* Each licensee engaged in the business of junk peddler shall have a duty to:

(1) observe and comply with all provisions of this Code related to use of the public way, solid waste disposal and sanitation;

(2) display on each side and the rear of every junk vehicle used for the collection, transportation or disposal of any junk, in letters not less than two inches in height and in contrasting color, the following information: the licensee's name, business telephone number and city junk peddler license number;

(3) carry the identification card issued under subsection (d)(2) of this section at all times while the licensee is engaged in the business of junk peddler;

(4) upon request by any authorized city official, make available for inspection by such authorized city official or aldermen (i) any goods, article, thing or junk which may have been lost or stolen, or which is alleged to have been lost or stolen; (ii) the licensee's business premises; (iii) any vehicle used in relation to the the licensee's business; and (iv) junk;

(5) lawfully dispose of junk by hauling or otherwise bringing junk to a junk facility, recycling facility, transfer station, landfill or other solid waste disposal facility properly permitted by the city in accordance with the requirements of Chapter 11-4 of this Code;

(6) keep and maintain, in the form of records and receipts, proof of proper disposal of junk.

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of junk peddler to:

(1) engage in the business of a pawnbroker, secondhand dealer or itinerant merchant;

(3) park any vehicle used in relation to junk peddling on any residential or business street in violation of Section 9-64-170 of this Code;

(4) load or operate any vehicle used in relation to junk peddling in such a manner as to present a danger or hazard to pedestrians and/or other vehicles using the public way. Conduct that may create a hazard includes, but is not limited to, operating a vehicle with unsecured loads or disassembling or discarding items on the public way;

(5) purchase any article from any minor without the written consent of such minor's parent or guardian, which consent shall be signed in the presence of the licensee or the licensee's agent;

(8) purchase any item from a person who (i) appears to be intoxicated or under the influence of any drug; or (ii) is known by the licensee to be a thief or to have been convicted of burglary or theft;

(9) engage in any illegal activity or violate any state law related to stolen goods;

(10) transact business before the hour of 6:00 a..m. or after the hour of 9:00 p.m.

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any provision of this chapter or any rule or regulation promulgated thereunder shall be subject to a fine of not less than $500.00 nor more than $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition, such violation may be punishable as a misdemeanor by incarceration in the county jail for a term of not less than 7 days nor more than 180 days under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.

Article XVI. Funeral Business

4-6-160 Funeral Business.

(a) *Definitions.* As used in this section:

"Funeral business" means the practice of funeral directing and/or embalming. The term "funeral business" includes, but is not limited to, sheltering and caring for deceased human remains; providing facilities to render shelter and care to deceased human remains; directing and supervising the final disposition of deceased human remains; responsibility for administering and conducting arrangements in connection with the funeral ritual; the orderly transportation and disposition of deceased human remains; and furnishing the necessary facilities, equipment, merchandise and services necessary in connection with the foregoing activities, such as accounting and secretarial services.

"Funeral Directors and Embalmers Licensing Code" means the Funeral Directors and Embalmers Licensing Code, codified at 225 ILCS 41/1-1 et seq.

"Funeral director/embalmer" means a person who is properly licensed in accordance with the requirements of Section 10-10 of the Funeral Directors and Embalmers Licensing Code.

"Funeral director assistant" means a person who, under the immediate personal supervision of a licensed funeral director/embalmer, assists a licensed funeral director/embalmer in the practice of funeral directing and embalming.

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

(1) a copy of the funeral director's license issued by the State of Illinois.

(c) *Department duties.*

(1) The board of health and the commissioner of business affairs and consumer protection are authorized to adopt and enforce rules and regulations relating to the operation of funeral businesses licensed under this chapter.

(2) The board of health and the commissioner of business affairs and consumer protection may adopt and enforce all existing and future state rules and regulations relating to the funeral business.

(d) *Legal duties.* Each licensee engaged in the funeral business shall have a duty to:

(1) operate under the direction of a State licensed funeral director;

(2) observe all requirements set forth in the Funeral Directors and Embalmers Licensing Code, all applicable requirements imposed by State law or regulation, and all applicable regulations duly promulgated by the board of health;

(3) ensure that any person who performs services as a funeral director assistant on the licensed premises is properly licensed in accordance with the requirements set forth in Section 10-15 of Funeral Directors and Embalmers Licensing Code;

(4) at the time any funeral arrangements are made and prior to rendering the same, provide the person(s) making the funeral arrangements with a written statement, signed by the funeral director, which shall include the following:

(i) the price of the service selected and the services and merchandise included therein;

(ii) the supplemental items of service and/or merchandise requested and the price of each such item;

(iii) insofar as can be specified at the time, the amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family;

(iv) the terms or method of payment agreed upon;

(5) place on each and every casket displayed for possible selection by the person(s) making the funeral arrangements a card setting forth the price of the casket and listing all services and other merchandise included in such price, if any. In lieu of the foregoing, each casket displayed shall contain a number, which shall conform to numbers included on a card or brochure which shall be presented to the person(s) making the funeral arrangements. Such card or brochure

shall set forth the price of the service involving the use of said numbered casket and shall list the service and other merchandise included in the price, if any.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the funeral business to:

(1) conduct the funeral business in any establishment where any other occupation is carried on, unless such establishment is provided with a compartment or room that is completely shut off or capable of being completely shut off from the part(s) of the establishment where the funeral business is being conducted. Such compartment or room shall have free outside ventilation and light; its floor shall be constructed of or covered with a nonabsorbent material; and such compartment or room shall be connected to a sewer with an approved sanitary drain.

Article XVII. Hospital

4-6-170 Hospitals.

(a) *Definitions.* As used in this section:

"Hospital" has the meaning ascribed to the term in Section 85/3 of the Hospital Licensing Act, codified at 210 ILCS 85/1 et seq. Provided, however, that the term "hospital" shall not refer to any facility operated by any federal, state, county or local government or any agency thereof.

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

(1) proof that the applicant holds a current and valid license issued by the State of Illinois;

(2) a statement setting forth (i) the location or proposed location of the hospital; (ii) the purpose of the hospital; (iii) whether the hospital is for-profit or not-for-profit; (iv) if the hospital is not-for-profit, whether such not-for-profit hospital qualifies for a disproportionate share adjustment consistent with Section 148,120 of Subschapter d of Chapter 1 of Title 89 of the Illinois Administrative Code, as amended, codified at 89 Ill.Adm.Code §148.20; (v) the nature of the treatment given or proposed to be given at the hospital; and (vi) the name and address of the chief physician or chief executive officer;

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

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of hospital shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who does not hold a current and valid license issued by the State of Illinois pursuant to the Hospital Licensing Act.

(c) *Departmental duties – Inspections.*

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

(2) The commissioner of health, the fire commissioner, the executive director of emergency management and communications, the commissioner of business affairs and consumer protection and their respective designees are authorized: (1) to inspect, at reasonable hours or in case of an emergency, any hospital licensed or required to be licensed under this chapter for the purpose of determining compliance with the requirements of subsection (d)(7) of this section; and (2) to examine the applicable books and records of any person licensed or required to be licensed under this chapter in order to corroborate the quantities of hazardous chemicals reported or required to be reported by the owner or operator of the facility under Section 11-4-1200.

(d) *Legal duties.* Each licensee engaged in the business of hospital shall have a duty to:

(1) comply with the Illinois Hospital Licensing Act and any rules and regulations promulgated thereunder;

(2) comply with all applicable building provisions and fire regulations of this Code and with any rules and regulations promulgated thereunder. Failure to comply with such provisions and regulations shall be grounds for license suspension or revocation in accordance with Section 4-4-280;

(3) report immediately to the department of police, when a person who is not accompanied by a Chicago police officer, requests treatment for any of the following injuries:

i. any injury resulting from the discharge of a firearm;

ii. any injury or wound apparently inflicted by any object used as a weapon;

iii. any injury sustained in the commission of or as a victim of a criminal offense;

iv. any animal or human bite;

v. any poisoning;

vi. any injury sustained on public property;

vii. any injury in which a moving motor vehicle was involved;

viii. any injury of any cause where it is evident that death will probably ensue as a direct result thereof, or when death has resulted.

Provided, however, that the hospital shall not be responsible for an inaccurate report if such report is based on inaccurate information provided by the patient or a person accompanying the patient.

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

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

(b) The victim shall be taken into the hospital through an entrance appropriate to the maintenance of privacy;

(c) The victim shall receive an immediate preliminary physical examination by the attending physician to identify and treat any emergencies other than the rape, such as fractures, knife wounds, contusions or lacerations;

(d) The consenting victim will be interviewed by a trained hospital staff member in a private setting. The hospital staff member will evaluate and counsel the victim and advise follow-up care for the victim, either through the receiving hospital or through the appropriate outside agencies;

(e) The hospital staff member, with consent of the victim, will remain with the victim during the preliminary police investigation primarily to provide support to the victim and to also assist the police in obtaining information needed to properly carry out their investigation;

(f) During this period, the name of the victim and the circumstances attendant to the incident will not be publicized by the hospital, the police department or any other agency. The hospital staff member will so inform the victim;

(g) The consenting victim will be examined by a qualified medical professional who will fill out a prescribed form detailing the time, date, place and findings of the examination, and note the location of any contusions, abrasions, bruises and lacerations;

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

(i) The consenting victim will be furnished with anticonception and antivenereal disease treatment, unless contraindicated for medical reasons;

(j) The comprehensive hospital will accept any alleged victim who appears without police assistance. Such hospitals will continue to notify the police department in accordance with the requirements set forth in subsection (d)(4) of this section. The hospital will then follow the procedure heretofore enumerated;

(6) report to the department of health, as such department may require from time to time in rules and regulations duly promulgated by the commissioner of health. All such reports shall be furnished to the department of health on forms prepared by such department and the truthfulness and accuracy of the contents thereof shall be verified and signed by the chief physician or administrator of the applicable hospital;

(5) keep and maintain on file, for a period of not less than three years, all written materials used to document the quantity of each hazardous chemical present at the hospital, if such chemical is present at the hospital in an amount that exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq. In addition to any other penalty provided by law, a single violation of this subsection may result in license suspension or revocation in accordance with Section 4-4-280 of this Code;

(6) upon request, to make the records required under this section available for inspection, during regular business hours or in case of emergency, by any city official charged with responsibility for enforcing this chapter.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of hospital to:

(1) deny to any person admission or treatment on account of such person's race, color, creed, national origin or ancestry. The requirements of this subsection shall apply to the licensed hospital, as well as to it employees and agents.

(f) *Regulations.*

(1) Pursuant to Section 2-112-100 of the Code, the board of health may adopt and enforce rules and regulations relating to the operation and conduct of hospitals licensed under this

chapter. Pursuant to Section 2-112-160 of the Code, the board of health shall enforce all rules relating to the operation of hospitals promulgated by any federal, state, or local authority with the power to make such rules.

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

(3) The board of health shall adopt and publish rules and regulations regarding the reporting of trauma care cases to the department of health.

Article XVIII. Hotel

4-6-180 Hotel.

(a) *Definitions.* As used in this section:

"Hotel" means any building or structure kept, used, maintained as, advertised or held out to the public to be an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory or other place, where sleeping or rooming accommodations are furnished for hire or rent, and in which seven or more sleeping rooms are used or maintained for the accommodation of guests, lodgers or roomers. The term "hotel" shall not include "single-room occupancy buildings" or "bed-and-breakfast establishments" as defined in Section 13-4-010.

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

(1) a statement as to whether, within ten years prior to the date of application or renewal, the applicant or any controlling person has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of forcible felony, as defined in Section 2-8 of the Criminal Code of 1961, codified at 720 ILCS 5/1-1.

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of hotel shall be issued to the following persons:

(1) Any applicant or licensee, as applicable, who, within ten years of the date of application or renewal, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of forcible felony, as defined in Section 2-8 of the Criminal Code of 1961, codified at 720 ILCS 5/1-1.

(d) *Departmental duties.*

(1) The department of buildings shall inspect each licensed hotel at least twice every year. Such inspection shall verify that the premises comply in all respects with the ventilation and sanitary provisions of this Code and the laws of the State of Illinois pertaining to such establishments.

(2) The superintendent of police shall, when making a report relative to criminal activity on or immediately adjacent to the licensed establishment (1) conduct an investigation to determine whether a public nuisance within the meaning of subsection (e)(2) of this section occurred at the establishment or on immediately adjacent property; and (2) prepare a written investigative report summarizing the findings of such investigation and recommending appropriate legal and administrative action which may be taken in response to such public nuisance, including, but not limited to, license suspension or revocation; and (3) transmit the investigative report, within 48 hours of the incident identified in the police report, to the director and corporation counsel for further action as warranted. Upon request by any alderman or city council committee, the corporation counsel shall make the report submitted pursuant to this section available to such alderman or city council committee for review.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of hotel to:

(1) (i) rent any sleeping room by the hour or for any period of fewer than ten consecutive hours; or (ii) rent any sleeping room more than once within any consecutive ten hour period measured from the commencement of one rental to the commencement of the next; or (iii) advertise an hourly rate or any other rate for a sleeping room based on a rental period of fewer than ten consecutive hours. Provided, however, that clauses (i) and (ii) shall not apply to any hotel that is located within the central area as defined in Section 10-32-220(1) of this Code, or within three miles of property used for airport purposes at the Chicago O'Hare International Airport, Midway Airport or (c) within 1.5 miles of the McCormick Place complex. Any person who violates any requirement of this subsection shall be subject to a fine of not less than $500.00 nor more than $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(2) knowingly permit prostitution, pimping, gambling or illegal possession or delivery of, or trafficking in, controlled substances or other drugs, including cannabis, to occur on or immediately adjacent to the licensed premises; or to fail to discover such illegal acts on or immediately adjacent to the licensed establishment under circumstances in which a reasonable person, exercising ordinary care and diligence, would infer that such activity is taking place.; or to fail to report to the police in a timely manner any criminal activity occurring on or immediately adjacent to the licensee, if such criminal behavior is observed by or reported to the licensee. Provided, however, that it shall be an affirmative defense to any prosecution under this subsection if the licensee immediately notified the police of the public nuisance occurring on or immediately

adjacent to the licensed establishment. For purposes of this subsection, the term "licensee" also includes employees and agents of the licensee.

(f) *Penalty – License revocation – One year wait for new license – Exceptions.*

(1) In addition to any other penalty provided by law, any person who violates any requirement of this chapter shall be subject to a fine of not less than $250.00 nor more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(2) If a regulated business license to engage in the business of hotel is revoked for cause, no license shall be granted to any person for the operation of a hotel at the premises described in the revocation order for a period of one year from the date of revocation. Provided, however, that this subsection shall not apply to any hotel located within the City's central business district, as defined in Section 9-4-010 of this Code; or within three miles of property used for airport purposes at the Chicago O'Hare International Airport; or within the McCormick Place complex.

Article XIX. Board-Up Company

4-6-190 Board-up company.

(a) *Definitions.* As used in this section:

"Board-up company" means any person who, for direct or indirect compensation, does board-up work or contracts with others to do board-up work or solicits contracts for board-up work. The term "board-up company" does not include (1) employees of any person licensed under this chapter working within the scope of their employment; or (2) any public insurance adjuster licensed by the State of Illinois pursuant to the Illinois Insurance Code for work other than the performance of board-up work.

"Board-up work" means the temporary placement of boards or other material over any opening in a building or other structure in order to protect the interior of the building or structure from damage or unauthorized entry.

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

(1) a description of the type of board-up work and board-up work solicitation in which the applicant will engage;

(2) a statement as to whether, within five years prior to the date of application or

renewal, the applicant or any controlling person has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony or criminal offense of whatever degree involving theft, fraud, misrepresentation, dishonesty or deception of any kind;

(3) if applicable, the name and address of the principal location from which the applicant has performed board-up work or board-up solicitation any time within five years prior to the date of application or renewal;

(4) a certificate of insurance, as required by subsection (e)(2) of this section.

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of board-up company shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who, within five years of the date of application has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony or criminal offense of whatever degree involving theft, fraud, misrepresentation, dishonesty or deception of any kind, unless, upon the request of such person, the commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;

(2) any applicant whose license under Title 4 to engage in the business of board-up company has been revoked for cause at any time;

(3) any applicant who knowingly files false or incomplete information or signatures on any board-up company application submitted pursuant to subsection (b) of this section.

(d) *Departmental duties.*

(1) The provisions of this section shall be enforced by the department of business affairs and consumer protection and by the fire department.

(e) *Legal duties.* Each licensee engaged in the business of board-up company shall have a duty to:

(1) maintain in full force and effect at all times throughout the duration of the license period commercial general liability insurance with limits of not less than $300,000.00 per occurrence, combined single limit, for bodily injury and property damage arising in any way from the issuance of the license. The policy of insurance required under this section shall (i) be issued by an insurer authorized to insure in Illinois; (ii) name the City of Chicago as an additional insured; and (iii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. A single violation of this subsection shall result in

suspension or revocation of the board-up company regulated business license in accordance with Section
4-4-280;

(2) before any board-up work begins, give to the customer a written estimate of the total cost of the board-up work and any other work to be done by the board-up company. The word "estimate" shall be conspicuously placed on the document. The estimate shall be signed by the licensee or by such licensee's agent or employee and shall contain the licensee's name, business address, business telephone number, board-up company license number. Such written estimate shall state the total estimated cost of the following items: (i) parts listed with reasonable particularity and identified by a brand name or the equivalent; (ii) labor; (iii) incidental services; and (iv) charges, if any, for making such estimates;

(3) record on an invoice all work and services provided by the board-up company. Such invoice shall state the board-up company's name, address and board-up company license number and shall contain a detailed description of all board-up work that was done and all other work or services performed or provided by the board-up company, all parts supplied, and the exact charge for each part or service. One copy of the invoice required under this subsection (e)(4) shall be given to the customer upon completion of all work and services;

(4) notify the customer and obtain prior written approval before performing any work that will result in charges in excess of the amount specified in the original estimate. In no event shall a customer be required to pay more than the amount specified in the original estimate if the customer did not receive notification of, and approve in writing, any additional costs not reflected in the original estimate.

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of board-up company to:

(1) commence board-up work without first having received written authorization to proceed from the owner, or an agent of the owner, of the building or structure that is the subject of the board-up work or from the owner's agent;

(2) do any of the following acts without written permission from the Chicago Fire Department's Office of Fire Investigation, if the premises that is the subject of the board-up work was damaged by fire or by an explosion and is being investigated by the Office of Fire Investigation: (i) make any physical alteration to the electrical system; or (ii) use a generator to produce electricity; or (iii) move or remove any object from within the interior of the building or structure. In no circumstances shall any electrical connection, disconnection or alteration be made to the electrical system except by a licensed electrician;

(3) interfere in any way with the conduct of any investigation by any governmental authority;

(4) rèpresent the licensee or his agent or employee in any way to be a member of a fire department, a police department or any other governmental agency in order to solicit board-up work or to influence, persuade or induce any person to authorize the performance of board-up work;

(5) act as or claim to be an insurance adjuster unless licensed as such by the State of Illinois;

(7) enter into any unconscionable agreement or contract.

(g) *Penalty.*

(1) In addition to any other penalty provided by law, any person who violates any provision of this chapter or any rule or regulation promulgated thereunder shall be subject to a fine of not less than $500.00 nor more than $1,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense

(h) *Rules.* The commissioner of business affairs and consumer protection and the fire commissioner shall have the authority to promulgate reasonable rules and regulations necessary to implement the requirements of this section.

XX. Dry Cleaner.

4-6-200 Dry cleaner.

(a) *Definitions.* As used in this section:

"Dry cleaner" means any person keeping or using more than two quarts of any solvent other than water, including, but not by way of limitation, solvents of the petroleum distillate type, coal tar distillate type or chlorinated hydrocarbon type, for the purpose of cleaning or renovating wearing apparel, fabrics, textiles, drapes, curtains, rugs, blankets, furs, leather or other material, for profit or reward. The term shall also include dry-cleaning establishments commonly known as self-service coin-operated.

"Flammable liquid" has the meaning ascribed to the term in Section 15-24-020.

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

(1) whether the business will be operated as full service or self-service coin-operated dry cleaner;

(2) proof of arrangements for the disposal of all cleaning solvents and other nonrefuse waste by a properly licensed waste hauler. Such proof may consist of a copy of the contract with, recently dated manifests of, or an affidavit from, the waste hauler who will be responsible for the removal and handling of such waste;

(3) if the application is for an initial license for a self-service coin-operated dry cleaner, proof that the applicant has submitted to the building commissioner a complete and explicit set of plans and specifications of the building in which the dry-cleaning establishment will be located and a complete diagram of the floor plan of each room to be occupied by such dry-cleaning establishment, correctly showing the arrangement or setting of all machinery and equipment to be installed therein.

(c) *Departmental duties – Inspections.*

(1) The departments of buildings, health and fire are authorized to inspect or to cause to be inspected all premises and vehicles as necessary to ascertain whether the licensee is in compliance with all provisions of this Code and the laws of the State relative to operating a dry cleaning establishment

(d) *Legal duties.* Each licensee engaged in the business of dry cleaner shall have a duty to:

(1) install tanks for the storage of any volatile flammable liquid used in connection with the dry-cleaning business in accordance with the requirement set forth in Chapter 13-40 of this Code;

(2) construct and equip any building used for the purpose of dry cleaning in accordance with the applicable building and fire provisions of this Code;

(3) if the dry-cleaning establishment uses flammable liquids, comply with the requirements set forth in Chapter 15-24 of this Code;

(4) provide proper facilities and equipment for the separate handling of cleaned and soiled articles;

(5) if the dry cleaner is a self-service coin-operated establishment (i) comply with Section 13-76-070, Section 15-24-930 and the applicable provisions of Chapter 7-28; and (ii) have an attendant present on the licensed premises at all times that the licensed establishment is open for business;

(6) prominently display a list of its services and the respective current selling price of each listed service; and

(7) charge customers the price indicated on the list of services required under subsection (d)(6) of this section. Provided, however, that a price higher than the price indicated on such list of services may be charged if the amount of the difference and the reasons for the difference are disclosed to the customer prior to performing the requested clothing alteration.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of dry cleaner to:

(1) use any flammable solvent having a flash point below 140 degrees Fahrenheit (closed cup tester) in any building or portion thereof used or intended to be used for purposes other than dry cleaning, or in any dry cleaning establishment located within 100 feet of the nearest boundary of any school, place of worship, hospital or theater.

(2) permit vapors or odors emanating from the dry cleaning establishment to become a nuisance to any portion of the premises in which such establishment is located or any adjoining on nearby premises;

(3) allow any article cleaned at the establishment to come in contact with any uncleaned or soiled article;

(4) if the dry cleaner is a self-service coin-operated establishment, permit any person under the age of 15 years to operate any such machine; and

(5) operate before the hour of 6:30 a.m. and after the hour of 11:30 p.m.

Article XXI. Hazardous Materials

4-6-210 Hazardous materials.

(a) *Definitions.* As used in this section:

"Hazardous material(s)" means:

(1) Use or maintenance of any hazardous material for which a license is required under Section 15-4-130;

(2) Use or maintenance of acetylene gas for which a license is required under Section 15-4-160(a);

(3) Use or maintenance of acetylene gas for which a license is required under Section 15-4-160(b);

(4) Use or maintenance of calcium carbide for which a license is required under Section 15-4-160(c);

(5) Use or maintenance of flammable liquids for which a license is required under Section 15-4-210;

(6) Use or maintenance of liquefied fume hazard gases for which a license is required under Section 15-4-230;

(7) Use or maintenance of oxygen or hydrogen for which a license is required under Section 15-4-240;

(8) Use or maintenance of nitrocellulose products for which a license is required under Section 15-4-250;

(9) Use or maintenance of a lumberyard or lumber storehouse for which a license is required under Section 15-4-252;

(10) Use or maintenance of sawdust, shavings, excelsior or other similar flammable materials for which a license is required under Section 15-4-254;

(11) Use or maintenance of solid fuel for which a license is required under Section 15-4-256 or Section 15-4-257;

(12) Use or maintenance of fuel oil for which a license is required under Section 15-4-258 or Section 15-4-259; or

(13) The business of extermination by fumigation as defined in Section 7-44-010.

(b) *Application – Additional information required.* In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to use or maintain any hazardous material in connection with any place of business shall be accompanied by the following information:

(1) the location where the hazardous material(s) will be used or stored;

(2) the chemical name or common name of such hazardous material(s);

(3) the maximum aggregate quantity of the hazardous material(s) to be stored for use at each location identified pursuant to subsection (b)(1) of this section;

(4) a description of (i) the applicable business, (ii) the location and capacity of all containers or tanks that will be used to store any hazardous material(s); and (iii) all vehicles used in connection with the business; and

(5) any other information that the deputy fire commissioner of the bureau of fire

prevention, the commissioner of the health, the executive director of emergency management and communications or the commissioner of business affairs and consumer protection may require to implement the requirements of this section.

(c) *Departmental duties – Inspections.*

(1) Before any initial license is issued under this section, and, thereafter, as often as the deputy commissioner of the bureau of fire prevention deems necessary, the deputy commissioner shall investigate, or cause to be investigated, (i) the place of business described in the license application, (ii) all containers, tanks and buildings where any hazardous material(s) will be stored, (iii) all vehicles that will be used in connection with the business; and (iv) the methods and equipment that will be used in connection with the business, to determine whether such places, equipment or methods are in compliance with the fire prevention provisions of this Code.

(2) The commissioner of health, the fire commissioner, the executive director of emergency management and communications, the commissioner of business affairs and consumer protection and their respective designees are authorized: (i) to inspect, at reasonable hours or in case of an emergency, any place of business using or maintaining any hazardous material(s) for the purpose of determining compliance with the requirements of this section; (ii) to examine the applicable books and records of such place of business to corroborate the quantities of hazardous chemicals reported or required to be reported by the owner or operator of such place of business under Section 11-4-1200; and (iii) to enforce the requirements of this section.

(d) *License issuance and renewal – Prohibited when.* No regulated business license to use or maintain any hazardous material in connection with any place of business shall be issued to the following persons:

(1) any applicant or licensee, as applicable, unless, in the case of an initial license application only, the deputy commissioner of the bureau of fire prevention has conducted or caused to be conducted an inspection meeting the requirements set forth in subsection (c)(1) of this section.

(e) *Legal duties.* Each licensee that uses or maintains any hazardous material in connection with such licensee's business shall have a duty to:

(1) notify the division marshal in charge of the bureau of fire prevention, within seven days of discontinuing the use or maintenance of any hazardous material(s) in quantities sufficient to require a license under this section, of the fact of such discontinuation. The notice required under this subsection shall be in the form of a verified written statement, signed by the licensee or the licensee's agent, attesting to the fact that the licensee is no longer using such hazardous material(s) in quantities sufficient to require a license under this section;

(2) keep and maintain on file, for a period of not less than three years, all written

materials used to document the quantity of each hazardous chemical present at the licensee's business, if such chemical is present at the business in an amount that exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq. In addition to any other penalty provided by law, a single violation of this subsection may result in suspension or revocation of all licenses held by such licensee in accordance with Section 4-4-280 of this Code.

(3) upon request by any authorized city official, to make available for inspection by such city official, during regular business hours or in case of emergency, the records required to be kept and maintained under subsection (e)(2) of this section.

(f) *Prohibited acts.* It shall be unlawful for any licensee that uses or maintains any hazardous material in connection with such licensee's business to:

(1) fail to comply with the requirements set forth in Section 11-4-1200 of this Code, if applicable.

Article XXII. Single-Room Occupancy Building

4-6-220 Single-room occupancy building.

(a) *Definitions.* As used in this section:

"Single-room occupancy building" has the meaning ascribed to the term in Section 13-4-010.

"Transient occupancy" means occupancy by any person on a daily or nightly basis or any part thereof for a period of 31 or fewer consecutive days.

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

(1) whether transient occupancy will be allowed in the single-room occupancy building; and if so, the number and location of the units within the building that will be available for transient occupancy.

(c) *Departmental duties.*

(1) Each building operated and maintained, in whole or in part, as a single-room occupancy building shall be inspected annually by the building commissioner and the fire commissioner or their respective designees. In addition, it shall be the responsibility of the commissioner of health or the commissioner's designee to inspect those units in a single-room

occupancy building, if any, that are maintained for transient occupancy.

(2) Except as otherwise provided in Section 13-20-016, the inspection fee for single-room occupancy buildings shall be assessed only once within any 12-month period.

(d) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of single-room occupancy building shall be issued to the following persons:

(1) any applicant or licensee, as applicable, unless the building commissioner or the commissioner's designee has conducted an annual inspection of the single-room occupancy building and determined that the premises comply with all building, fire prevention and sanitary provisions of this Code;

(2) if any unit(s) in the single-room occupancy building will be used for transient occupancy, any applicant or licensee, as applicable, unless the commissioner of health or the commissioner's designee has inspected such unit(s) and determined that such unit(s) comply with all building, fire prevention and sanitary provisions of this Code.

(e) *Legal duties.* Each licensee engaged in the business of single-room occupancy building shall have a duty to:

(1) maintain on an annual basis written records identifying (i) the name(s) of the occupant(s) of each unit residing within the building; and (ii) the date(s) of tenancy of each such occupant;

(2) upon request by any authorized city official, to make the records required under subsection (e)(1) of this section available for inspection by such authorized city official;

(3) include the words "Single-Room Occupancy" or the abbreviation "SRO" in the business name or identification of the single-room occupancy building. Such business name or identification may include the word "Hotel" if the other requirements of this subsection (e)(3) are also met.

Article XXIII. Booting of Motor Vehicles

4-6-230 Booting of motor vehicles.

(a) *Definitions.* As used in this section:

"Boot" or "booting" means the act of placing on a parked motor vehicle any mechanical device that is designed to be attached to a wheel or tire or other part of such vehicle so as to prohibit the vehicle's usual manner of movement.

"Motor vehicle" means every vehicle which is propelled by a motor.

(b) *Exemptions.* The requirements of this section shall not apply to the booting of a motor vehicle by the City of Chicago or any governmental entity or to any person acting under the direction of the City of Chicago or any governmental entity, when booting of a motor vehicle is authorized by any provision of law or any rule or regulation promulgated thereunder.

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

(1) proof of commercial general liability insurance, as required under subsection (f)(1) of this section;

(2) a statement as to whether, within three years of the date of application or renewal, (i) the applicant, or (ii) any employee or agent of the applicant who physically installs or removes booting devices or receives payment for removing booting devices, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type.

(d) *Departmental duties.*

(1) The commissioner shall notify the superintendent of police and district police commanders within the affected service area of all licenses issued under this section.

(e) *License issuance and renewal – Prohibited when.* No license to engage in the business of booting of motor vehicles shall be issued to the following persons:

(1) any applicant or licensee, as applicable, if, within three years of the date of application or renewal, (i) such applicant or licensee, or (ii) any employee or agent of such applicant or licensee who physically installs or removes booting devices or receives payment for removing booting devices, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type. Provided, however, that the commissioner may accept as proof of an employee's or agent's lack of disqualifying convictions an affidavit from a private detective licensed in Illinois, certifying that the detective has examined the criminal history and record of the employee or agent, and that, within the last three years, the employee or agent has not been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type. The commissioner may specify a form for the affidavit by rule.

(2) any applicant or licensee, as applicable, who is found liable of misrepresenting or

falsifying his or her criminal history or that of any employee or agent within the meaning of subsection (e)(1) of this section.

(f) *Legal duties.* Each licensee engaged in the business of booting of motor vehicles shall have a duty to:

(1) maintain in full force and effect at all times throughout the duration of the license period commercial general liability insurance, with limits of not less than $500,000.00 per person and not less than $1,000,000.00 per incident, arising in any way from the issuance of a license. The policy of insurance required under this subsection shall (i) be issued by an insurer authorized to insure in the State of Illinois; (ii) name the City of Chicago as additional insured; and (ii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. A copy of such certificate of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official;

(2) conduct booting operations exclusively on private property, and only pursuant to a written agreement with the owner or manager of the property;

(3) post, no fewer than 14 days prior to the commencement of a booting operation at each and every location where a booting operation is to be conducted, and to maintain in a conspicuous location, a minimum of two signs no smaller than 24 inches in height and 36 inches in width, setting forth: (i) the date upon which a booting operation shall commence; (ii) the terms of use of the subject property; (iii) the fee for removal of a boot; (iv) the name, address and a 24-hour telephone number for the licensee; (v) the name and telephone number of the property owner or manager; and (vi) a statement notifying consumers of their rights under this section with language provided by the department. Such signs shall remain in place as long as a booting operation is being conducted;

(4) remove, upon discontinuation of booting operations at a property, the signs required under subsection (f)(3) of this section. The licensee, the property owner and the property manager shall be jointly and severally liable for any violation of this subsection;

(5) station, at every location where a licensee conducts booting operations, at least one employee or agent to install and remove boots and to receive payments. Each such employee or agent shall (i) wear, in a conspicuous manner, an identification placard clearly displaying the name of such employee or agent and the name, address and telephone number of the licensee; and (ii) carry on his or her person a copy of the license issued under this section. Prior to leaving the location where booting operations are conducted, the employee or agent stationed at the location shall remove all boots from vehicles at that location;

(6) place on the windshield of every vehicle that is booted a copy of the "Consumer Bill of Rights", the text of which shall be provided by the department, and to make copies of this

document available to persons upon request;

(7) keep copies of the "Consumer Bill of Rights" at the licensed premises and, upon request by any person, to make copies of this document available to such person;

(8) maintain sufficient copies of this Section 4-6-250 for distribution to any person requesting a copy of this ordinance;

(9) immediately remove a boot from any motor vehicle, at no charge, if the owner of the motor vehicle returns prior to complete attachment of the boot;

(10) have available means of collecting any fees, via cash and credit card, at each and every location where a booting operation is conducted;

(11) notify the Chicago Police Department of any booted vehicle that remains in a lot or garage for over 24 hours;

(12) maintain at the licensee's place of business minimum business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday;

(13) provide the owner of a booted vehicle with a legible receipt, which shall indicate (i) the date and time the boot was placed on the vehicle; (ii) the date and time the owner returned to the vehicle; and (iii) the date and time the boot was removed from the vehicle. Such receipt shall include the name of the person who installed the boot and shall clearly state that the owner has the option to pay any fees assessed in connection with the booting operation by credit card. The licensee shall keep a copy of such receipt on file at the licensed premises, for a period of at least three years from the date of its issuance, a copy of the receipts required to be provided under this paragraph (13), and, upon request by any authorized city official, shall make a copy of such receipt available for inspection by such authorized city official.

(g) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of booting motor vehicles to:

(1) provide booting service at any property at which any person having a beneficial interest in the licensee also has a beneficial interest in the subject property;

(2) place a boot upon any occupied motor vehicle or upon any motor vehicle parked in accordance with the terms of use for the subject property;

(3) assess a fee in excess of $140.00 to remove a boot;

(4) use any boot of a color prohibited by the commissioner in duly promulgated rules and regulations. The commissioner may prohibit any color which might be confused with a boot

used by the City as part of the City's vehicle immobilization program; and

(5) engage in booting operations at any location that is outside the 1st Ward, 15th Ward, 21st Ward, 22nd Ward, 23rd Ward, 25th Ward, 26th Ward, 27th Ward, 30th Ward, 32nd Ward, 33rd Ward, 34th Ward, 36th Ward, 37th Ward, 38th Ward, 40th Ward, 42nd Ward, 43rd Ward, 44th Ward, 46th Ward, 48th Ward, or 49th Ward.

(h) *Violation – Penalty.* In addition to any other penalty provided by law: Any person who violates any provision of this chapter shall be subject to a fine of not less than $1,000.00 nor more than $2,000.00 for each violation. Any licensee who violates any provision of this section two times at one location within any 180-day period shall be prohibited from conducting booting operations at that location for a period of one week. Each day that a violation continues shall constitute a separate and distinct offense.

Article XXIV. Immigration Assistance

4-6-240 Immigration assistance.

(a) *Definitions.* As used in this section:

"Immigration matter" means any proceeding, filing or action affecting the non-immigrant, immigrant or citizenship status of any person which arises under immigration and naturalization law, executive order or presidential proclamation, or which arises under action of the United States Department of Homeland Security, the United States Department of Labor, the United States Department of State or its successor department(s).

"Compensation" means money, property, services, promise of payment, or anything else of value.

"Employed by" means that a person is on the payroll of the employer and the employer deducts from the employee's paycheck social security and withholding taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

"Reasonable costs" means actual costs or, if actual costs cannot be calculated, reasonably estimated cost of such things as photocopying, telephone calls, document requests, and filing fees for immigration forms, and other services and overhead costs incidental to assistance in an immigration matter.

(b) *Exemptions.* The requirements of this section shall not apply to any of the following persons if such person can prove by a preponderance of the evidence that such person is eligible for an exemption under this section: (1) an attorney licensed to practice law in the State of Illinois, to the extent the attorney renders services in immigration matters in the course of his or her practice as an attorney; (2) a legal intern, as described by rules of the Illinois Supreme Court, employed by and under the direct supervision of a licensed attorney and rendering services in

immigration matters in the course of such employment; and (3) a not-for-profit organization recognized by the Board of Immigration Appeals pursuant to 8 C.F.R. § 292.2(a), as amended, and employees of such organizations accredited pursuant to 8 C.F.R. § 292.2(d), as amended. Provided, however, that nothing in this section shall regulate any business to the extent that such regulation is prohibited by state or federal law.

(c) *Scope of license.* A license under this section authorizes the licensee to perform only the following services: (1) providing the customer with a government agency form appropriate to the customer's needs if only that form can reasonably be considered appropriate and if the selection of the form does not involve a legal judgment; (2) transcribing responses to a government agency form which is related to an immigration matter, but not advising a customer as to his or her answers on those forms; (3) translating information on forms to a customer and translating the customer's answers to questions posed on those forms; (4) securing for the customer supporting documents currently in existence, such as birth and marriage certificates, which may be needed to submit with government agency forms; (5) translating documents from a foreign language into English; (6) notarizing signatures on government agency forms, if the person performing the service is a notary public of the State of Illinois; (7) making referrals, without fee, to attorneys who could undertake legal representation for a person in an immigration matter; (8) preparing or arranging for the preparation of photographs and fingerprints; (9) arranging for the performance of medical testing (including X-rays and A.I.D.S. tests) and the obtaining of reports of such test results; (10) conducting English language and civics courses; and (11) such other services that the commissioner determines by rule may be appropriately performed by such persons to help immigrants reside and work in the United States, establish and maintain stable families and business relationships, promote honesty and fair dealing and preserve the public confidence.

(d) *Departmental duties.*

(1) The commissioner may promulgate regulations establishing maximum fees that may be charged for the services described in items (1) through (11), inclusive, of subsection (c) of this section. Provided, however, that such maximum fees shall be reasonable in light of the costs of providing such services and the degree of professional skill required to provide the services.

(2) If the 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 may: (i) order the person to discontinue the prohibited practice; (ii) order the person to pay restitution to persons aggrieved by the practice; (iii) take action to revoke or suspend the regulated business license of the person; and/or (iv) request the corporation counsel to bring an action in circuit court for injunctive or such other relief as may be appropriate.

(e) *Legal duties.* Each licensee engaged in the business of immigration assistance shall have a duty to:

(1) before providing any assistance in an immigration matter, provide the customer with a written contract that includes the following provisions: (i) an explanation of the services to be performed; (ii) identification of all compensation and costs to be charged to the customer for the services to be performed; (iii) a statement that documents submitted in support of an application for non-immigrant, immigrant or naturalization status may not be retained by the licensee for any purpose, including payment of compensation or costs; (iv) a statement, which shall be on the face of the contract and shall be in print larger and more conspicuous than other print on the contract, that the licensee is not an attorney and may not perform legal services; (v) a statement that the customer may rescind the contract within 72 hours, which shall be conspicuously set forth in the contract in understandable language substantially similar to "You may cancel this contract within 3 days and get your money back for work not performed." The written contract required under this subsection (e)(1) shall be in both English and in the language of the customer. A copy of the contract shall be provided to the customer upon the customer's execution of the contract. The customer shall have the right to rescind such contract within 72 hours of his or her signing of the contract.

(2) upon demand of the customer, return to the customer any documents submitted in support of an application for non-immigrant, immigrant or naturalization status ;

(3) post signs at the licensee's place of business, setting forth in English and in every other language in which the person provides or offers to provide assistance in immigration matters. Each language shall be on a separate sign. Signs shall be posted in a location where the signs will be visible to customers. Each sign shall be at least 11 inches by 17 inches, and shall contain the following: (i) the statement "I am not an attorney"; (ii) if applicable, the statement that "I am not accredited to represent you before the United States Department of Homeland Security"; (iii) the fee schedule; (iv) the statement that "You may cancel any contract within three days and get your money back for services not performed"; (v) the statement that "If you have a complaint about this business, contact: City of Chicago, Department of Business Affairs and Consumer Protection (Insert the Department's current address). (Insert, within a box in bold-faced type, the Department's current telephone number and current web address to which complaints may be sent). Business name: (Insert legal name of business). Business address: (Insert address of business). Business phone: (Insert current business phone number) and (vi) such other additional information as the commissioner may require by rule;

(4) if the licensee or any other person is engaged in the business of fingerprinting or providing fingerprinting services at the licensed premises, conspicuously display in each location of business, in a clearly visible place, a sign stating the following: "This Office Is Not An Authorized Government Agency. This Office Is Not A Part Of And Is Not Associated With The United States Department of Homeland Security Or Any Government Agency. Fingerprints Taken At This Location Will Not Be Accepted By The United States Department of Homeland Security For Any Purpose." Such sign shall be (i) in black print on a white background, in letters no smaller than 48-point typeface; and (ii) posted in the following languages: English, Spanish, Polish, Korean, Arabic, Hindi and Mandarin.

(f) *Advertising – Additional duties.*

(1) Every licensee who advertises immigration assistance services by signs, pamphlets, newspapers or any other means shall post or otherwise include with the advertisement a notice in English and in the language in which the advertisement appears. The notice shall be of a conspicuous size and shall state the following: "The individual providing assistance to you is not at attorney licensed to practice law or accredited by the board of immigration appeals to provide representation to you before the bureau of citizenship and immigration services, the department of law, the department of state or any immigration authorities and may not give legal advice or accept fees for legal advice.:

(2) No advertisement for immigration assistance services shall expressly or implicitly guarantee any particular government action, including, but not limited to, the granting of residency or citizenship status.

(f) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of immigration assistance to:

(1) in the course of dealing with customers or prospective customers, (i) make any statement that the person can or will obtain special favors from or has special influence with the United States Department of Homeland Security or any other government agency; (ii) retain any compensation for service not performed; (iii) refuse to return documents supplied by, prepared by, or paid for by the customer upon the request of the customer, even if there is a fee dispute between the immigration assistant and the customer; (iv) represent or to advertise, in connection with the provision of assistance in immigration matters, other titles or credentials, including, but not limited to, "notary public" or "immigration consultant," that could reasonably cause a customer to believe that the person possesses any form of license, accreditation, or official authorization to provide advice on an immigration matter. Provided, however, that a notary public appointed by the Illinois Secretary of State may use the term "notary public" if such use is accompanied by the statement that the person is not an attorney; and (v) to give any legal advice concerning an immigration matter;

(2) state, imply, offer or otherwise represent that a person, business, agency, office or organization is authorized to provide fingerprinting services which will be accepted by the United States Department of Homeland Security for the process of DHS applications or for any other purpose;

(3) charge fees, directly or indirectly, for referring an individual to an attorney or for any immigration matter not authorized subsection (c) of this section. Provided, however, that a person may charge a fee for notarizing documents as permitted by the Illinois Notary Public Act;

(4) make any guarantee or promise to a customer, unless there is a basis in fact for such guarantee or promise, and the guarantee or promise is in writing;

(5) represent that a fee may be charged, or to charge a fee, for the distribution, provision or submission of any official document or form issued or promulgated by a state or federal governmental entity, for the referral of the customer to another person or entity that is qualified to provide services or assistance which the licensee will not provide;

(6) disclose any information to, or file any forms or documents with, immigration or other authorities without the knowledge or consent of the customer.

(g) *Penalty.* In addition to any other penalty provided by law, any person who violates any provision of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than $250.00 nor more than $2,500.00 for the first offense and not less than $500.00 nor more than $5,000.00 for a second or any subsequent offense, or imprisonment for a period not to exceed six months, or both, for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(h) *Private right of action.* Any person aggrieved by any violation of this section or any rule or regulation promulgated thereunder may bring an action in an appropriate court against any person subject to this section, for injunction against the violation or for such other or additional relief as may be appropriate to deter, prevent or compensate for the violation. It is the express intention of the city council that remedies for violation of this ordinance shall be cumulative.

Article XXV. Expediter Company

4-6-250 Expediter Company.

(a) *Definitions.* As used in this section:

"Act related to expediting" means: (1) any activity or service requiring a license under this section; (2) any activity requiring a building permit issued under Chapter 13-32 of this Code or any other license, certificate or permit; or (3) any conduct regulated by this section; or (4) any duty or other requirement imposed by this section; or (5) any inspection of a building or premises or performance of any other legal or work-related duty by a city inspector, city personnel or other government official in connection with: (i) the issuance of an expediter license under this section, or (ii) the issuance of any license, permit or certificate under this Code, or (iii) for the purpose of enforcing the requirements of this Code or any other law regulating building construction or the health or safety of construction site workers, current or eventual users or occupants of a building or premises or the general public.

"Company" means any corporation, general partnership, limited partnership, limited liability company or other legal entity of any type. The term "company" does not include natural persons or sole proprietors, who shall be governed by the requirements set forth in Section 4-6-270 of this Code.

"Expediter" or "expediter company" means any company that, for compensation of any type from a person seeking to procure a license, certificate or permit from any city department, provides to such person any of the following services: (1) preparing or submitting any license, certificate or permit application; or (2) monitoring the progress of any license, certificate or permit application at any stage of the application review process, including, but not limited to, plan review of any type; or (3) inquiring as to the status of any license, certificate or permit application; or (4) attempting, in any way, to persuade city personnel to issue a license, certificate or permit or to adopt or approve a particular processing schedule or interpretation of any provision of the Chicago Municipal Code in connection with a license, certificate or permit application.

Exemptions: The term "expediter" does not include the following persons: (1) any attorney, certified public accountant, architect or engineer licensed by the State of Illinois or employee thereof if such person is acting within the scope of such license; (2) any condominium unit owner authorized by such condominium's board of directors or governing association to file a building permit application on behalf of such condominium; (3) any cooperative shareholder authorized by such cooperative's board of directors or governing association to file a building permit application on behalf of such cooperative. In addition, on license applications, certificate applications and permit applications other than building permit applications, the term "expediter" does not include any of the following persons identified on the application as: (a) the applicant; (b) any salaried employee of the applicant; or (c) any immediate relative of the applicant, such as the applicant's father, mother, sister, brother, grandparent, spouse or domestic partner. On a building permit application, the term "expediter" does not include any of the following persons identified for a project on the permit application as: (i) the building owner or tenant; (ii) any salaried employee of the building owner or tenant; (iii) any immediate relative of the building owner or tenant, such as the building owner's or tenant's father, mother, sister, brother, grandparent, spouse or domestic partner; (iv) the general contractor; or (v) the licensed trade contractor.

"Knowingly", with respect to a material fact, means (i) having actual knowledge of the material fact; or (ii) being aware of facts or information that would cause a reasonable person to have actual knowledge of the material fact; or (iii) acting in deliberate ignorance or reckless disregard of the truth or falsity of the material fact.

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

(1) a description of the services that the applicant will provide;

(2) a statement as to whether the applicant or any controlling person has ever been: (i) convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of

whatever degree involving theft, fraud, forgery, perjury, bribery, dishonesty, deceit or any offense set forth in subsections (e)(1) through (e)(6), inclusive, of this section; or (ii) found liable in the department of administrative hearings or the department of business affairs and consumer protection or any other administrative tribunal for the commission of any offense set forth in subsections (e)(1) through (e)(6), inclusive, of this section;

(3) a statement as to whether the applicant or any controlling person is currently under indictment or has been charged under any State or Federal law with the crime of bribery;

(4) fingerprints, as required under subsection (d)(2) of section;

(5) proof of insurance, as required under subsection (d)(3) of this section.

Provided, however, that for purposes of Section 4-4-050, a post office box shall not suffice as an address.

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of expediter company shall be issued to the following persons:

(1) any applicant or licensee, as applicable, whose license to engage in the business of expediter under Title 4 has been revoked for cause at any time within the last four years;

(2) any applicant or licensee, as applicable, who has ever been: (i) convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving theft, fraud, forgery, perjury, bribery, dishonesty, deceit or any offense set forth in subsections (e)(1) through (e)(6), inclusive, of this section; or (ii) found liable in the department of administrative hearings or department of business affairs and consumer protection or any other administrative tribunal for the commission of any offense set forth in subsections (e)(1) through (e)(6), inclusive, of this section, unless, upon request of such person, the director determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;

(3) any applicant or licensee, as applicable, who is currently under indictment or has been charged under any State or Federal law with the crime of bribery; and

(4) any person under the age of eighteen.

(d) *Legal duties.* Each licensee engaged in the business of expediter company shall have a duty to:

(1) print the expediter license number legibly in all of the following places: (i) on every application for a license, certificate or permit issued under this Code in connection with an

act related to expediting; (ii) on the front page of every estimate, contract or subcontract provided or entered into in connection with an act related to expediting; and (iii) in all advertisements of the licensee's services as an expediter;

(2) submit to fingerprinting in accordance with regulations and procedures prescribed by the commissioner;

(3) obtain commercial general liability insurance with limits of not less than $300.000.00, per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. Each policy of insurance required under this section shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period;

(4) comply with all reasonable requests made by any authorized city official necessary or appropriate to implement the requirements of this chapter; and

(5) cooperate fully with any authorized city official in any inquiry, inspection or investigation necessary or appropriate to implement the requirements of this chapter;

(6) if applicable, register as a lobbyist in accordance with the requirements of Article III of Chapter 2-156 of ths Code.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of expediter company to:

(1) knowingly make or to cause to be made a false statement of material fact on or in connection with any license, certificate or permit application connected in any way with an act related to expediting, including, but not limited to, a false address or false property identification or index number (PIN) of the building or premises at which the scope of work identified in a building permit application will be done;

(2) knowingly submit or cause to be submitted in support of a license, certificate or permit application any document connected in any way with an act related to expediting that contains false or fraudulent information;

(3) knowingly affix or cause to be affixed a false signature on any license, certificate or permit application connected in any way with an act related to expediting;

(4) bribe, or attempt to bribe, or cause others to bribe or attempt to bribe, any city inspector, city personnel, government official or other person in connection with an act related to expediting;

(5) knowingly engage or cause others to engage in any conduct connected in any way with an act related to expediting in violation of the Illinois Architecture Practice Act, the Illinois Professional Land Surveyor Act, the Illinois Professional Engineering Practice Act or the Illinois Structural Engineering Act;

(6) knowingly provide or offer to provide a gift to a city employee in violation of Section 2-156-040 or in violation of any city department's zero gift policy.

(7) fail to report immediately to the commissioner any violation of subsections (e)(1) through (e)(6) of this section if: (i) such violation is committed by an employee of the licensee and such employee holds or is required to hold an expediter natural person license under this chapter; and (ii) such violation is known or reasonably should have been known by the licensee under this section;

(8) solicit business or to cause business to be solicited within any portion of City Hall or any main office, satellite office or other place of business owned, leased or controlled by a city department;

(9) negligently fail to provide in a building permit application the correct address and property identification or index number (PIN) of the building or premises at which the scope of work identified in such application will be done. As used in this subsection, the term "negligently" means on three or more occasions within any 12-month period;

(10) misrepresent or to cause to be misrepresented to any person the nature, type, extent or level of service to be provided, performed or rendered by the licensee;

(11) misrepresent or to cause to be misrepresented to any person that the licensee can obtain city review, approval or issuance of a city license, certificate or permit by a date certain;

(12) misrepresent or to cause to be misrepresented to any person the status of a city review, approval or issuance of a city license, certificate or permit or the status of any task order related to the same;

(13) misrepresent or to cause to be misrepresented to any city supervisor regarding the time period that a matter has been pending before a city employee or before a city contractor

(14) use or to cause to be used terms such as "licensed by the department of consumer protection" or "licensed" or "registered" to convey the impression that such person is licensed by the department under this chapter when, in fact, the person is not so licensed;

(15) fail to notify the commissioner of the termination of employment for any reason of any person requiring an expediter/natural person license under this chapter, if such expediter/natural person was hired by, employed on a contractual basis by or receiving any

remuneration for services from a licensee under this section. The notification required under this subsection shall be provided to the commissioner in writing within 14 business days of termination of employment of such licensee.

In addition to any other penalty provided by law: Any person who violates any requirement of subsection (e)(1) through (e)(7), inclusive, of this section shall be subject to a fine of not less than $2,000.00 nor more than $5,000.00 for each offense. Any person who violates any requirement of subsection (e)(8) through (e)(15), inclusive, of this section shall be subject to a fine of $1.000.00 for the first offense; $1,500.00 for the second offense; and $2,000.00 for the third or any subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense.

(f) *License suspension pending final adjudication of a bribery charge.* If the commissioner has knowledge that a licensee under this section or any controlling person has been indicted or charged with any offense set forth in subsection (e)(4) of this section or with a similar offense under any State or Federal law and the commissioner determines that continued operation of the licensed business or activity may pose a threat to the public health, safety or welfare or may threaten to impair public confidence in the licensed business or activity, the commissioner may suspend the expediter company license of such licensee, in accordance with the requirements of Section 4-4-280, until final adjudication is made with respect to such offense. The subject matter of any hearing conducted under Section 4-4-280 shall be limited to determining: (1) whether the licensee or any controlling person has, in fact, been indicted or charged with any offense set forth in subsection (e)(4) of this section or with a similar offense under any State or Federal law; and (2) whether such offense is connected in any way with an act related to expediting; and (3) whether continued operation of the licensed business or activity may pose a threat to the public health, safety or welfare or may threaten to impair public confidence in the licensed business or activity. The burden of proving that continued operation of the licensed business or activity does not pose a threat to the public health, safety or welfare and does not threaten to impair public confidence in the licensed business or activity shall be on the licensee.

(g) *License revocation – Four year wait for new license.* No person whose expediter license under this chapter is revoked for any cause shall be granted a license under this section, under the same or different name, for a period of four years from the date of revocation.

(h) *Violation – Penalty.* Except as otherwise provided in this section, and in addition to any other penalty provided by law, any person who violates any requirement of this section or any rule or regulation promulgated hereunder shall be fined not less than $250.00 nor more than $500.00 for each offense.

Article XXVI. Expediter/Natural Person

4-6-260 Expediter/Natural Person

(a) *Definitions.* As used in this section:

"Act related to expediting" means: (1) any activity or service requiring a license under this section; (2) any activity requiring a building permit issued under Chapter 13-32 of this Code or any other license, certificate or permit; or (3) any conduct regulated by this section; or (4) any duty or other requirement imposed by this section; or (5) any inspection of a building or premises or performance of any other legal or work-related duty by a city inspector, city personnel or other government official in connection with: (i) the issuance of an expediter license under this section, or (ii) the issuance of any license, permit or certificate under this Code, or (iii) for the purpose of enforcing the requirements of this Code or any other law regulating building construction or the health or safety of construction site workers, current or eventual users or occupants of a building or premises or the general public.

"Employee" means any person who performs services for wages or salary or remuneration of any type under a contract of employment, express or implied, for an employer.

"Expediter" means any natural person who, for compensation of any type from a person seeking to procure a license, certificate or permit from any city department, or who, as an employee of a expediter company licensed or requiring a license under Section 4-6-470, provides to any person any of the following services: (1) preparing or submitting any license, certificate or permit application; or (2) monitoring the progress of any license, certificate or permit application at any stage of the application review process, including, but not limited to, plan review of any type; or (3) inquiring as to the status of any license, certificate or permit application; or (4) attempting, in any way, to persuade city personnel to issue a license, certificate or permit or to adopt or approve a particular processing schedule or interpretation of any provision of the Chicago Municipal Code in connection with a license, certificate or permit application.

Exemptions: The term "expediter" does not include the following persons: (1) any attorney, certified public accountant, architect or engineer licensed by the State of Illinois or employee thereof if such person is acting within the scope of such license; (2) any condominium unit owner authorized by such condominium's board of directors or governing association to file a building permit application on behalf of such condominium; or (3) any cooperative shareholder authorized by such cooperative's board of directors or governing association to file a building permit application on behalf of such cooperative. In addition, on license applications, certificate applications and permit applications other than building permit applications, the term "expediter" does not include any of the following persons identified on the application as: (a) the applicant; (b) any salaried employee of the applicant; or (c) any immediate relative of the applicant, such as the applicant's father, mother, sister, brother, grandparent, spouse or domestic partner. On a building permit application, the term "expediter" does not include any of the following persons identified for a project on the permit application as: (i) the building owner or tenant; (ii) any salaried employee of the building owner or tenant; (iii) any immediate relative of the building owner or tenant, such as the building owner's or tenant's father, mother, sister, brother, grandparent, spouse or domestic partner; (iv) the general contractor; or (v) the licensed trade contractor.

"Knowingly", with respect to a material fact, means (i) having actual knowledge of the material fact; or (ii) being aware of facts or information that would cause a reasonable person to have actual knowledge of the material fact; or (iii) acting in deliberate ignorance or reckless disregard of the truth or falsity of the material fact.

"Photographic identification" means identification issued by a federal, state or local governmental entity, including, but not limited to, a state driver's license, state identification card, passport or military identification card.

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

(1) whether the applicant is a sole proprietor engaged in the business of expediter or an employee of an expediter company as defined in Section 4-6-260(a);

(2) if applicable, the name, business address and business telephone number of the company or organization that employs or otherwise retains the applicant as an expediter;

(3) a description of the services that the applicant will provide;

(4) a statement as to whether the applicant has ever been: (i) convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving theft, fraud, forgery, perjury, bribery, dishonesty, deceit or any offense set forth in subsections (e)(1) through (e)(5), inclusive, of this section; or (ii) found liable in the department of administrative hearings or the department of business affairs and consumer protection or any other administrative tribunal for the commission of any offense set forth in subsections (e)(1) through (e)(5), inclusive, of this section;

(5) a statement as to whether the applicant is currently under indictment or has been charged under any State or Federal law with the crime of bribery;

(6) fingerprints, as required under subsection (d)(2) of section;

(6) if the applicant is a sole proprietor engaged in the business of expediter, proof of insurance, as required under subsection (d)(3) of this section.

Provided, however, that for purposes of Section 4-4-050, a post office box shall not suffice as an address.

(c) *License issuance and renewal – Prohibited when.* No regulated business license

authorizing a natural person to engage in the business of expediter shall be issued to the following persons:

(1) any applicant or licensee, as applicable, whose license to engage in the business of expediter under Title 4 has been revoked for cause at any time within the last four years;

(2) any applicant or licensee, as applicable, who has ever been: (i) convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving theft, fraud, forgery, perjury, bribery, dishonesty, deceit or any offense set forth in subsections(e)(1) through (e)(5), inclusive, of this section; or (ii) found liable in the department of administrative hearings or department of business affairs and consumer protection or any other administrative tribunal for the commission of any offense set forth in subsections (e)(1) through (e)(5), inclusive, of this section, unless, upon request of such person, the director determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;

(3) any applicant or licensee, as applicable, who is currently under indictment or has been charged under any State or Federal law with the crime of bribery; and

(4) any person under the age of eighteen.

(d) *Legal duties.* Each licensee engaged in the business of expediter shall have a duty to:

(1) print the expediter license number legibly in all of the following places: (i) on every application for a license, certificate or permit issued under this Code in connection with an act related to expediting; (ii) on the front page of every estimate, contract or subcontract provided or entered into in connection with an act related to expediting; and (iii) in all advertisements of the licensee's services as an expediter;

(2) submit to fingerprinting in accordance with regulations and procedures prescribed by the commissioner;

(3) if the expediter is a sole proprietor, obtain commercial general liability insurance with limits of not less than $300.000.00, per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. Each policy of insurance required under this section shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period;

(4) comply with all reasonable requests made by any authorized city official necessary

or appropriate to implement the requirements of this chapter; and

(5) cooperate fully with any authorized city official in any inquiry, inspection or investigation necessary or appropriate to implement the requirements of this chapter;

(6) if applicable, to register as a lobbyist in accordance with the requirements of Article III of Chapter 2-156 of ths Code;

(7) while engaged in the business of expediter or otherwise while on duty as an expediter in City Hall or in any main office, satellite office or other place of business maintained, owned, leased or controlled by a city department, (i) to carry, at all such times on his or her person, a copy of the licensee's license; and (ii) upon request of any department head or department head's designee, to produce a copy of such license and photographic identification; and (iii) in a conspicuous place on the outside of such licensee's outer clothing, to wear a badge issued by the city indicating that such individual is licensed as an expediter under this section. Such badge shall state the licensee's full name and license number; the name of the licensee's employer; and the expiration date of the license;

(8) upon termination by the licensee of his or her employment with the employer identified in the license application, obtain a new license under this section prior to engaging in the business of expediter with a new employer.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of expediter company to:

(1) knowingly make or to cause to be made a false statement of material fact on or in connection with any license, certificate or permit application connected in any way with an act related to expediting, including, but not limited to, a false address or false property identification or index number (PIN) of the building or premises at which the scope of work identified in a building permit application will be done;

(2) knowingly submit or cause to be submitted in support of a license, certificate or permit application any document connected in any way with an act related to expediting that contains false or fraudulent information;

(3) knowingly affix or cause to be affixed a false signature on any license, certificate or permit application connected in any way with an act related to expediting;

(4) bribe or attempt to bribe or cause others to bribe or attempt to bribe any city inspector, city personnel, government official or other person in connection with an act related to expediting;

(5) knowingly engage or cause others to engage in any conduct connected in any way

with an act related to expediting in violation of the Illinois Architecture Practice Act, the Illinois Professional Land Surveyor Act, the Illinois Professional Engineering Practice Act or the Illinois Structural Engineering Act;

(6) knowingly provide or offer to provide a gift to a city employee in violation of Section 2-156-040 or in violation of any city department's zero gift policy.

(7) solicit business or to cause business to be solicited within any portion of City Hall or any main office, satellite office or other place of business owned, leased or controlled by a city department;

(8) negligently fail to provide in a building permit application the correct address and property identification or index number (PIN) of the building or premises at which the scope of work identified in such application will be done. As used in this subsection, the term "negligently" means on three or more occasions within any 12-month period;

(9) misrepresent or to cause to be misrepresented to any person the nature, type, extent or level of service to be provided, performed or rendered by the licensee;

(10) misrepresent or to cause to be misrepresented to any person that the licensee can obtain city review, approval or issuance of a city license, certificate or permit by a date certain;

(11) misrepresent or to cause to be misrepresented to any person the status of a city review, approval or issuance of a city license, certificate or permit or the status of any task order related to the same;

(12) misrepresent or to cause to be misrepresented to any city supervisor regarding the time period that a matter has been pending before a city employee or before a city contractor

(13) use or to cause to be used terms such as "licensed by the department of consumer protection" or "licensed" or "registered" to convey the impression that such person is licensed by the department under this chapter when, in fact, the person is not so licensed.

In addition to any other penalty provided by law: Any person who violates any requirement of subsection (e)(1) through (e)(6), inclusive, of this section shall be subject to a fine of not less than $2,000.00 nor more than $5,000.00 for each offense. Any person who violates any requirement of subsection (e)(6) through (e)(9), inclusive, of this section shall be subject to a fine of $1.000.00 for the first offense; $1,500.00 for the second offense; and $2,000.00 for the third or any subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense.

(f) *License suspension pending final adjudication of a bribery charge.* If the commissioner has knowledge that a licensee under this section has been indicted or charged with

any offense set forth in subsection (e)(4) of this section or with a similar offense under any State or Federal law and the commissioner determines that continued operation of the licensed business or activity may pose a threat to the public health, safety or welfare or may threaten to impair public confidence in the licensed business or activity, the commissioner may suspend such person's expediter license under this section, in accordance with the requirements of Section 4-4-280, until final adjudication is made with respect to such offense. The subject matter of any hearing conducted under Section 4-4-280 shall be limited to determining: (1) whether the licensee has, in fact, been indicted or charged with any offense set forth in subsection (e)(4) of this section or with a similar offense under any State or Federal law; and (2) whether such offense is connected in any way with an act related to expediting; and (3) whether continued operation of the licensed business or activity may pose a threat to the public health, safety or welfare or may threaten to impair public confidence in the licensed business or activity. The burden of proving that continued operation of the licensed business or activity does not pose a threat to the public health, safety or welfare and does not threaten to impair public confidence in the licensed business or activity shall be on the licensee.

(g) *License revocation – Four year wait for new license.* No person whose expediter license under this chapter is revoked for any cause shall be granted a new license under this section, under the same or different name, for a period of four years from the date of revocation.

(h) *Violation – Penalty.* Except as otherwise provided in this section, and in addition to any other penalty provided by law, any person who violates any requirement of this section or any rule or regulation promulgated hereunder shall be fined not less than $250.00 nor more than $500.00 for each offense.

XXVII. Home Occupations

4-6-270 Home occupations.

(a) *Definitions.* As used in this section:

"Home occupation" means the accessory use, of a business or commercial nature, of a dwelling unit by the person(s) residing in such dwelling unit. The term "home occupation" does not include persons who, as an owner or employee, perform administrative, clerical or research work in their home for an entity whose principal place of business is located elsewhere. Nor does the term "home occupation" include any child care institution, day care center, part-day child care facility, group home, day care home or group day care home that is properly licensed by a state agency or by the City of Chicago.

(b) *Scope of license.* A regulated business license for a home occupation shall entitle its holder to conduct more than one home occupation within the licensed dwelling unit if the license applicant indicates, on the license application form, the occupations that will be carried on in such dwelling unit.

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

(1) the location of the dwelling unit where the home occupation will be carried on;

(2) the name of the person(s) who will be designated as the licensee;

(3) whether more than one home occupation will be carried on in the dwelling unit;

(4) the type(s) of occupation(s) that will be carried on in the dwelling unit;

(5) whether the dwelling unit in which the home occupation will be carried on is a single-family residence or a building containing multiple dwelling units;

(6) the total square footage of the floor area of the applicable dwelling unit;

(7) the total square footage of the floor area of the dwelling unit that will be permanently occupied by the home occupation;

(8) the percentage of the floor area of the dwelling unit that will be permanently occupied by the home occupation;

(9) the total square footage of the dwelling unit that will be permanently used or occupied to carry on the home occupation.

(d) *License issuance and renewal – Prohibited when.* No regulated business license to engage in a home occupation shall be issued to the following persons:

(1) any applicant or licensee, as applicable, if the home occupation identified in the license application is the principal use of the dwelling unit. In order for a home occupation license to be issued under this section, the home occupation must be accessory, incidental and secondary to the principal residential use of the dwelling unit;

(2) any applicant or licensee, as applicable, if the home occupation identified in the license application will change the residential character of the dwelling unit or adversely affect the character of the surrounding neighborhood;

(3) any applicant or licensee, as applicable, if the home occupation identified in the license application is for an occupation or activity prohibited under subsection (e) of this section;

(4) any applicant or licensee, as applicable, if the total square footage of the home occupation exceeds the permitted percentage or square footage requirements set forth in

subsection (g)(7) of this section;

(5) any applicant or licensee, as applicable, if the home occupation does not comply with the applicable provisions of the Chicago Zoning Ordinance.

(e) *Activities not subject to licensure as a home occupation.* The following activities shall not be licensed as home occupations under this section: any repair of motorized vehicles, including the painting or repair of automobiles, trucks, trailers, boats, and lawn equipment; animal hospitals; astrology, card reading, palm reading or fortune-telling in any form; kennels; stables; bird keeping facilities; dancing schools; restaurants; massage establishments; catering/food preparation businesses; funeral chapels or homes; crematoria; mausoleums; any facility where products are manufactured, produced or assembled when the home occupation licensee is not the retail point of sale for such products; public places of amusement; the sale of firearms or ammunition; caterers; construction businesses or landscaping businesses that provide the storage of goods and materials to be utilized in the operation of the business or use; warehousing; and welding or machine shops. Provided, however, that nothing in this subsection shall prohibit the performance of emergency medical services in a residential dwelling.

(f) *Legal duties.* Each licensee engaged in a home occupation shall have a duty to:

(1) conduct the home occupation and all related activities, including storage, completely within the dwelling unit. No home occupation shall be operated from an accessory structure or garage.

(g) *Prohibited acts.* It shall be unlawful for any licensee engaged in a home occupation to:

(1) conduct a home occupation in violation of the applicable provisions of the Chicago Zoning Ordinance;

(2) allow the home occupation to become the principal use of the dwelling unit;

(3) add to the dwelling unit a separate entrance from the outside of the building for the sole use of the home occupation;

(4) display or create any external evidence of the operation of the home occupation;

(5) make any internal or external structural alterations or construction to the dwelling unit, whether permanent or accessory, of the type that would change the residential character of the dwelling unit;

(6) install any equipment of the type that would change the residential character of the dwelling unit;

(7) allow the total square footage of any home occupation to permanently occupy more than ten percent of the floor area of any single-family residence or more than 15 percent of the floor area of any dwelling unit in a building containing multiple dwellings. Provided, however, that in no instance shall one or more home occupations in any single dwelling unit permanently occupy more than 300 square feet of such dwelling unit;

(8) produce or emit any noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or any other effect that unreasonably interferes with any person's enjoyment of his or her residence;

(9) regardless of whether a dwelling unit is used for one or more home occupations: (i) allow more than two patrons or clients of the home occupation to be present in the dwelling unit at any one; or (ii) allow more than ten patrons or clients of the home occupation to be present in the dwelling unit during at 24-hour period; or (iii) allow any person, other than the person(s) who reside in the dwelling unit and not more than one non-resident employee, to perform any work in the dwelling unit in connection with the home occupation(s) being carried on in such dwelling unit. Provided, however, that the restrictions on the number of patrons, clients and persons performing work in a dwelling unit shall apply to all home occupations within such dwelling unit and shall not be cumulative;

(10) permit any tractor trailer delivery; or

(11) permit the direct sale of any product on display shelves or racks.

(h) *Construction of section.*

(1) Nothing in this section shall affect the applicability of any federal or state law pertaining to the production, manufacture or assembly of products, or the applicability of the Fair Labor Standards Act, the Occupational Health and Safety Act, or any child labor, workers' compensation, unemployment compensation, wage and hour or other applicable law.

(2) Nothing in this section shall prevent a condominium association's board of directors, a cooperative association's board of directors or a landlord from adopting a rule, declaration, or bylaw prohibiting home occupations on the premises under which circumstances such rule shall supersede this chapter in effect. Nothing in this chapter shall preclude, invalidate or override any existing covenant, bylaw or rule of a condominium association, common interest community, housing cooperative or landlord which prohibits, restricts or regulates, in a stricter manner than this chapter, home occupations.

Article XXVIII. Home Repair

4-6-280 Home repair.

(a) *Definitions.* As used in this section:

"Home repair" means fixing, replacing, altering, converting, modernizing, improving or making an addition to any real property primarily designed or used as a residence. The term "home repair" includes the construction, installation, replacement or improvement of driveways, swimming pools, porches, kitchens, bathrooms, basements, chimneys, chimney liners, garages, fences, fallout shelters, central air conditioning, central heating, boilers, furnaces, hot water heaters, electrical wiring, sewers, plumbing fixtures, storm doors, storm windows, roofs, awnings and other improvements to structures within a residence or upon the land adjacent thereto. The term "home repair" does not include (i) the sale, installation, cleaning or repair of carpets; (ii) the sale of goods or materials by a merchant who does not, directly or through a subsidiary, perform any work or labor in connection with the installation or application of the goods and materials; (iii) the repair, installation, replacement or connection of any home appliance, including but not limited to, disposal, refrigerators, ranges, garage door openers, television antennas, washing machines, telephones or other appliances when the persons replacing, installing, repairing or connecting such home appliance are employees or agents of the merchant that sold the home appliance; (iv) television repair; or (v) landscaping.

"Residence" means any building or portion of a building used or intended to be used as a dwelling unit. The provisions of this chapter shall not apply to original construction of a residence.

(b) *Exemptions.* The requirements of this section shall not apply to (1) persons who perform home repairs to their own property; or (2) individuals who are employees of persons licensed under this section when such individual is working within the scope of their employment; or (3) persons holding a valid general contractor's license under Chapter 4-36 of this Code.

(c) *Application – Additional information required.* In addition to the requirements set forth in Section 4-4-050, an application for, or renewal or, a regulated business license to engage in the business of home repair shall be accompanied by the following information:

(1) a description of the type of home repair or improvement in which the applicant will engage;

(2) a statement indicating whether there are any outstanding judgments against the applicant; and if so, the amount of such judgment, the case number and the court rendering such judgment;

(3) a statement listing the name and address of the principal location from which the applicant has performed home repair at any time within the last five years;

(4) proof of commercial general liability insurance, as required by subsection (d)(1) of this section;

(d) Any licensee engaged in the business of home repair shall have a duty to:

(1) obtain commercial general liability insurance, with limits of not less than $300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. The policy of insurance required under this subsection (i) shall be issued by an insurer authorized to insure in the State of Illinois; (ii) name the City of Chicago as an additional insured; and (ii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this subsection in full force and effect throughout the duration of the license period. A copy of such certificate of insurance shall be kept on the licensed premises, and, upon request by any authorized city official, shall be made available for inspection by such authorized city official. A single violation of this subsection may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280;

(2) print the licensee's license number legibly on the front page of every contract or estimate for home repair and upon every application for a building permit. In addition, the license number shall appear in any advertisement placed by or on behalf of a home repair contractor. The licensee shall also affix his license number and the licensee's name on all vehicles used in the course of his business as a home repair contractor;

(3) furnish to the licensee's home repair customer a written estimate of repairs, which shall state the total estimated cost of: (i) parts listed with reasonable particularity and identified by brand name or equivalent; (ii) labor; (iii) incidental services; and (iv) charges, if any, for making such estimates;

(4) give to the licensee's customer a signed copy of the written estimate with the word "estimate" conspicuously placed thereon. Such estimate shall include the licensee's name and business address. No person engaged in the business of making home repairs shall demand a waiver of any customer's rights herein enumerated as a precondition to acceptance of repair work.

(5) record on an invoice all home repair work performed by the licensee. Such invoice shall include the licensee's name and address and shall describe in detail all services or work performed and all parts supplied and the exact charge for each part or service. One copy of such invoice shall be given the customer upon completion of the home repair;

(6) notify the customer and obtain prior approval before performing any work that would result in charges in excess of the amount specified in the original estimate. In no event shall a customer be required to pay more than the amount specified in the original estimate if the customer did not receive notification of additional costs not reflected in the original estimate.

(e) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of home repair to:

(1) demand a waiver of any customer's rights as a precondition to acceptance of repair work;

(2) knowingly charge for any service which was not actually performed in making a home repair, or knowingly misinform a customer about what is wrong with an item that is subject to repair, or fraudulently substitute parts when such substitution has no relation to repair of an item or service on an item;

(3) make repairs or charge for repairs before obtaining a signed work order or providing an estimate for such repairs;

(4) fail to disclose, prior to preparing any estimate, any service charge or minimum charge that will apply in connection with the preparation of such estimate;

(5) knowingly allow any other person to use the licensee's name or license identification on a building permit application if such licensee will not be performing the work which the permit application states the licensee will perform unless the permit application has been amended to (i) remove the licensee's name or license identification; and (ii) insert the name of the licensee who will perform the work. Any person who violates any provision of this subsection shall be subject to a fine of $1,000.00 for the first offense; a fine of $1,500.00 and a 90-day license suspension for the second offense; and a fine of $2,000.00 and license revocation for the third and any subsequent offense.

(f) *Penalty.* Except as otherwise provided in this section, and in addition to any other penalty provided by law, any person who violates any provision of this chapter shall be fined not less than $500.00 nor more than $5,000.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense.

(g) *Private right of action.* Any person aggrieved by any violation of this section or any rule or regulation promulgated thereunder may bring an action in an appropriate court against any person subject to this section, for injunction against the violation or for such other or additional relief as may be appropriate to deter, prevent or compensate for the violation. It is the express intention of the city council that remedies for violation of this ordinance shall be cumulative.

Article XXIX. Bed-and-Breakfast Establishment

4-6-290 Bed-and-Breakfast Establishment

(a) *Definitions.* As used in this section:

"Bed and Breakfast Act" means the Illinois Bed and Breakfast Act, codified at 50 ILCS 820, et seq.

"Bed-and-breakfast establishment" or "establishment" means an owner-occupied single-family residential building, an owner-occupied, multiple-family dwelling building, or an owner-occupied condominium, townhouse or cooperative, in which 11 or fewer sleeping rooms

are available for rent or for hire for transient occupancy by registered guests. The term "bed-and- breakfast establishment" does not include single-room occupancy buildings as that term is defined in Section 13-4-010. If the bed-and-breakfast establishment is a single-family residential building located on a lot that includes a principal house and an accessory building that was being used for residential purposes as of January 16, 2003, the accessory building shall be considered to be part of the establishment. The term "guests" does not include members of the owner's family within the meaning of the Chicago Zoning Ordinance; nor does it include persons who have signed a lease to use and occupy residential property unless the leased residential property is held out by its owner, or by any person acting on the owner's behalf, to be a bed-and-breakfast establishment.

"Breakfast" means any morning meal provided between the hours of 5:00 a.m. and 2:00 p.m.

"Immediately adjacent" means the front yard, rear yard, side yard, inner court and contiguous public way.

"Minimal preparation" means any food that is not cooked in the establishment's kitchen, such as coffee, milk, juice, fruit, sandwiches and prepackaged, hermetically-sealed foods.

"Permanent occupancy" means occupancy on a daily or nightly basis, or any part thereof, for a period of 32 or more consecutive days.

"Transient occupancy" means occupancy on a daily or nightly basis, or any part thereof, for a period of 31 or fewer consecutive days.

(b) *License – Scope.* A bed-and-breakfast license issued under this section allows the licensee to provide sleeping accommodations and foods that require minimal preparation and breakfast to registered guests. A licensee under this section shall not be required to obtain any City of Chicago license, other than the regulated business license to engage in the business of bed-and-breakfast establishment required under this section, to conduct the activities described in this section. Provided, however, that a city license for the retail sale of alcoholic liquor shall be required if alcoholic liquor is sold or otherwise provided by the licensee for use or consumption by registered guests on the licensed premises.

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

(1) a certificate of insurance, as required under subsection (f)(1) of this section;

(2) a statement as to whether the applicant or any controlling person has ever been

convicted in any jurisdiction of any felony;

(3) proof that the applicant has legal title to or leasehold interest in the property on which the establishment is located;

(4) a written statement that the establishment shall be the owner's legal primary residence throughout the duration of the license period;

(5) proof of adequate off-street parking, as required by the Chicago Zoning Code;

(6) a copy of an evacuation diagram, as required under subsection (f)(5)(vi) of this section;

(7) a valid certificate of registration in food handling and sanitation issued by the department of health, as required under subsection (f)(6) of this section.

(d) *Departmental duties.*

(1) The department of buildings and the fire department shall inspect each bed-and-breakfast establishment before any initial license is issued for such establishment. Provided, however, however, that no pre-license issuance inspection shall be required by the department of buildings if, within the 12-month period prior to the date of submission of the license application, the applicant obtained a permit inspection or certificate of occupancy from the department of buildings for the premises identified in the license application. Thereafter, the department of buildings and the fire department shall inspect the establishment once every two year to determine whether the establishment complies with all applicable requirements of this Code.

(e) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of bed-and-breakfast establishment shall be issued to the following persons:

(1) any applicant or licensee, as applicable, unless the establishment identified in the license application is: (A) an owner-occupied, single-family residential building; or (B) an owner-occupied multiple-family dwelling that does not exceed four stories in height and contains no more than 11 sleeping rooms; or (C) an owner-occupied condominium, townhouse or cooperative. Throughout the duration of any rental period, occupancy of the establishment by any person owning 25 percent or more of the interest in the establishment shall be a continuing requirement for maintaining a license under this chapter; provided, however, that it shall not be a violation of this requirement if the owner (i) is absent from the establishment overnight or for any longer period of time not to exceed 120 days within a 12-month period; or (ii) is on active military duty for any length of time; and (iii) appoints a designated agent or employee to manage, control and reside in the establishment during the owner's absence.

(2) any applicant or licensee, as applicable, unless the department of buildings and the fire department inspect the establishment before the initial license is issued; provided, however, that no pre-license issuance inspection shall be required by the department of buildings if, within the 12-month period prior to the date of submission of the license application, the applicant obtained a permit inspection or certificate of occupancy from the department of buildings for the premises identified in the license application. Thereafter, the department of buildings and the fire department shall inspect the establishment once every two years to determine whether the establishment complies with all applicable requirements of this Code.

(3) any applicant or licensee, as applicable, if such applicant or licensee has been convicted under any federal or state law of any felony that is rationally related to the applicant's fitness or capacity to operate a bed-and-breakfast establishment;

(4) any applicant or licensee, as applicable, whose license under Title 4 at any location has been revoked for cause within the last two years.

(f) *Legal duties.* Each licensee engaged in the business of bed-and-breakfast establishment shall have a duty to:

(1) obtain commercial general liability insurance, with limits of not less than $300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the license. Each policy of insurance required under this subsection(f)(1) shall be (i) issued by an insurer authorized to insure in the State of Illinois; and (ii) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect for the duration of the license period. A single violation of this subsection shall result in suspension or revocation of the license in accordance with Section 4-4-280 of this Code;

(2) maintain current guest registration records which contain the following information about each guest: the guest's name, address, signature, room assignment and dates of accommodation. The registration records shall be kept on file for three years and, upon request by any authorized city official, shall be made available for inspection by such city official during regular business hours or in case of an emergency;

(3) comply with the minimum standards set forth in Section 4 of the Bed and Breakfast Act, if food for registered guests is prepared, handled or served on the licensed premises;

(4) comply with the minimum standards set forth in Section 5 of the Bed and Breakfast Act, if soap, towels or linens are provided to registered guests on the licensed premises;

(5) comply with all applicable building and fire prevention provisions of this Code, and with any regulations promulgated thereunder. In addition, the following requirements shall be met:

(i) approved smoke detectors equipped with an escape light, or approved smoke detectors and approved unit battery equipment for emergency illumination or any approved System II or System III emergency lighting system, shall be installed in each sleeping room and stairway and in all other locations required by Chapter 13-64 of this Code. In addition to these smoke detectors, each establishment shall provide at least one smoke detector, which may be either portable or permanently wired, that emits a flashing or stroboscopic light signal or vibration to indicate the presence of smoke designed to serve hearing impaired persons as required by Section 13-64-180. For purposes of this subsection, an approved smoke detector shall be the ionization chamber or photoelectric type, either battery powered or 110 volt AC, and shall bear the label of a nationally recognized standards testing laboratory indicating that the smoke detector has been tested and listed as a single or single and multiple station smoke detector. Approved unit battery equipment shall meet the requirements of Section 18-27-700.66 of this Code.

(ii) manual extinguishing equipment shall be provided in each sleeping room or within 15 feet of any sleeping room in accordance with NFPA-10 (Standards for the Installation of Portable Fire Extinguishers).

(iii) all combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage shall be allowed in or under stairways.

(iv) all trash containers used inside the building shall be metal.

(v) no portable heating devices shall be allowed in sleeping rooms.

(vi) an evacuation diagram identifying all means of egress from the establishment shall be posted in a conspicuous place on the inside panel of each guest room door.

(6) obtain a valid certificate in food handling and sanitation issued by the department of health.

(g) *Prohibited acts.* It shall be unlawful for any person engaged in the business of bed-and-breakfast establishment to:

(1) exceed the scope of the license, as set forth in subsection (b) of this section;

(2) allow occupancy of the establishment or any part thereof to exceed one person per 125 feet of floor area, excluding elevators, stairways or other shaft enclosures;

(3) rent any sleeping room in the establishment for 32 or more consecutive days to any person other than members of the owner's family as defined in the Chicago Zoning Ordinance; provided, however, that this subsection shall not apply if the building in which the bed-and-breakfast establishment is located cannot qualify as a single-room occupancy building as defined in Section 13-4-010 of this Code;

(4) use or to permit the use of a hot plate, coffee maker or other cooking device in any sleeping room or bathroom;

(5) permit any criminal activity or public nuisance to take place on the licensed premises. If a licensee knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the licensed premises, the licensee shall immediately notify the Chicago Police Department of such fact and cooperate with the Chicago Police Department in any investigation that may ensue;

(6) knowingly make any false or incomplete or misleading statement about such person's criminal background in connection with any license application submitted pursuant to subsection (c) of this section. A single violation of this subsection shall result in license revocation in accordance with Section 4-4-280 of this Code.

(h) *License revocation – One-year wait for new license.* If a license issued under Title 4 to engage in the business of bed-and-breakfast establishment is revoked for any cause, no license shall be granted to any person for the operation of a bed-and-breakfast establishment at the premises described in the revoked license for a period of one year from the date of revocation.

(i) *Penalty.* Except as otherwise provided in this section, and in addition to any other penalty provided by law, three or more violations of any provision of this section on three different days within any 12-month period may result in license suspension or revocation in accordance with Section 4-4-280.

(j) *Regulations.* The commissioner shall have the authority to promulgate rules and regulations necessary to implement the requirements of this section. The board of health and the department of health shall have the authority to issue rules and regulations necessary to implement subsection (f)(6) of this section and the minimal standards found in subsections (f)(3) and (f)(4) of this section.

Article XXX. Vacation Rentals

4-6-300 Vacation rentals.

(a) *Definitions.* As used in this section:

"Applicant" means a person; or any partner, if a general partnership; any general partner, if a limited partnership; any principal officer, if a corporation; any managing member, if a limited liability company; any owner of 25% or more of the applicant; or in the case of a cooperative building, a lessee with a proprietary lease of a cooperative in a cooperative building.

"Board of directors" means the board of directors of a cooperative building.

"Cooperative building" means a multiple-dwelling complex owned by a cooperative

corporation, stock in which affords the owner thereof the right to possess or occupy a particular cooperative allocated to that stock within the complex. This right of possession or occupancy is granted through a proprietary lease or similar arrangement, and, unlike the owner of a condominium, the owner of the cooperative stock does not hold legal title to his or her individual cooperative.

"Cooperative" is an individual dwelling unit within a cooperative building.

"Dwelling unit" has the meaning ascribed to that term in section 17-17-0248.

"Homeowners association" means the association of all the unit owners, acting pursuant to bylaws through its duly elected board of managers. For purposes of this definition "unit owner" means the person or persons whose estates or interest, individually or collectively, aggregate fee simple absolute ownership of a unit, or in the case of a leasehold condominium, the lessee or lessees of a unit whose leasehold of the unit expires simultaneously with the lease.

"Local contact person" means a person authorized as an agent of the owner who: (1) is designated for service of process; (2) is authorized by the owner to take remedial action and respond to any violation of this Code; and (3) maintains a residence or office located in the City.

"Owner" shall include, for purposes of this chapter only, a person who is a lessee of a cooperative pursuant to a proprietary lease.

"Owner-occupied dwelling unit" means a dwelling unit that a person who owns 25% or more of the interest in the dwelling unit; or in the case of a cooperative building is a lessee of a cooperative pursuant to a proprietary lease, resides in the dwelling unit as his or her domicile or permanent place of residence; provided that a dwelling unit for which an owner or lessee (i) is absent from the dwelling unit overnight for any longer period of time not to exceed 120 days within a 12-month period; or (ii) is on active military duty for any length of time; and (iii) appoints a designated agent or employee to manage, control and reside in the dwelling unit during the owner's or lessee's absence is considered owner-occupied.

"Transient occupancy" means any occupancy on a daily or nightly basis, or any part thereof, for a period of 30 or fewer consecutive days.

"Vacation rental" means a dwelling unit that is not an owner-occupied dwelling unit and contains 6 or fewer sleeping rooms that are available for rent or for hire for transient occupancy by guests. The term "guests" does not include members of the owner's household, as that term is defined in section 17-17-0270. The term "vacation rental" shall not include: (i) single-room occupancy buildings or bed-and-breakfast establishments, as those terms are defined in Section 13-4-010; (ii) hotels, as that term is defined in Section 4-6-180; (iii) a dwelling unit for which a tenant has a month-to-month rental agreement and the rental payments are paid on a monthly basis; or (iv) corporate housing. For purposes of this definition:

(1) "tenant" and "rental agreement" have the same meaning ascribed to those terms in section 5-12-030;

(2) "corporate housing" means a dwelling unit owned or leased by a business entity that is available for rent or for hire for transient occupancy solely by the business entity's officers, employees, family members of the officers or employees, consultants, vendors or contractors. "Family members" means an officer's or employee's (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in- law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents or grandchildren; (ii) court-appointed legal guardian or a person for whom the employee or officer is a court- appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother or sister (including blood, step, or half), or son or daughter (including blood, step or half).

(b) *Application – Additional information required.* In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, a renewal of, a regulated business license authorizing the owner of a dwelling unit to rent or lease such dwelling unit as a vacation rental shall be accompanied by the following information:

(1) a statement as to whether the applicant owns the vacation rental identified in the license application;

(2) a statement setting forth (i) the address of the building in which the vacation rental is located; (ii) the location of the vacation rental within the building; (iii) the total number of sleeping rooms within the vacation rental, and (iv) the ownership of the vacation rental;

(3) the name, address and contact information of a local contact person;

(4) an affidavit from the local contact person identified in the license application attesting that such local contact person (1) is designated for service of process; (2) is authorized by the owner to take remedial action and respond to any violation of this Code; and (3) maintains a residence or office located in the City;

(5) an affidavit executed by a duly authorized representative of the homeowners association or the board of directors (1) attesting that the homeowners association or board of directors has approved the dwelling unit for use as a vacation rental; and (2) specifically identifying all other dwelling units in the building approved for use as vacation rentals; and (3) attesting that the association's or board's bylaws are in compliance with the requirements set forth in items (i) through (iv), inclusive of subsection (c)(5) of this section;

(6) a statement as to whether, within two years of the date of application or renewal, the applicant has ever had a license to engage in the business of vacation rental revoked for cause;

(7) a statement as to whether, within two years of the date of application or renewal, a license for a vacation rental for the dwelling unit identified in the license application has ever been revoked for cause;

(8) a certificate of insurance, as required under subsection (f)(1) of this section.

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of vacation rental shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who does not own the vacation rental identified in the license application;

(2) any applicant or licensee, as applicable, whose license to engage in the business of vacation rental has been revoked for cause within two years of the date of application or renewal;

(3) any applicant or licensee, as applicable, if, within two years of the date of application or renewal, a license for a vacation rental for the dwelling unit identified in the license application has been revoked for cause;

(4) any applicant or licensee, as applicable, who makes any false, misleading or fraudulent statement in the license application, or misrepresents any fact in the license application, or uses any scheme or subterfuge for the purpose of evading any requirement of this section;

(5) any applicant or licensee, as applicable, if the homeowners association or board of directors of the building in which the vacation rental is located has failed to adopt bylaws which: (i) approve the use of the premises for vacation rentals; and (ii) restrict the number of dwelling units in the building that may be licensed as vacation rentals to six or less units and specifically identify those dwelling units; (iii) authorize the homeowners association or board of directors to act as the local contact person for the owner of the vacation rental; and (iv) authorize access by city officials to the common areas of the building in which the vacation rental is located;

(6) any applicant or licensee, as applicable, who has violated any applicable federal, state or local law or regulation promulgated thereunder;

(7) any applicant or licensee, as applicable, if issuance of a license under this section will violate the prohibition set forth in subsection (d)(1) of this section.

(d) *Other license requirements.*

(1) No more than six dwelling units within any building shall be licensed as a vacation rental at the same time.

(2) A separate license shall be required for each dwelling unit used as a vacation

rental.

(e) *Department duties – Inspections.*

(1) The building commissioner is authorized to mandate an inspection of any vacation rental, at any time and in any manner, including third-party reviews, as provided for in rules and regulations promulgated by the building commissioner.

(2) If the licensee provides food to his guests in the vacation rental, the board of health may inspect the vacation rental in accordance with rules and regulations promulgated by the board of health

(f) *Legal duties.* Any licensee engaged in the business of vacation rental shall have a duty to:

(1) obtain (i) homeowner's fire, hazard and liability insurance; and (ii) general commercial liability insurance, with limits of not less than $1,000,000.00 per occurrence, combined single limit, for bodily injury, personal injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The licensee shall maintain the insurance required under this subsection (f)(1) in full force and effect for the duration of the license period.

(2) maintain current guest registration records which contain the following information about each guest: (i) name, (ii) address, (iii) signature, and (iv) dates of accommodation.

(3) keep the guest registration records required under subsection (f)(2) of this section on file for three years and, upon request by any authorized city official, to make such records available for inspection by such city official during regular business hours or in the case of an emergency;

(4) print or to cause the licensee's license number to be printed, in legible type, (i) in every advertisement of any type for any vacation rental that the licensee or the licensee's agent places or causes to be placed in connection with a vacation rental; (ii) on every application for a building permit made by or on behalf of the licensee; and (ii) if the licensee advertises the vacation rental on a primary website established, operated or maintained by such licensee, on such website. Failure to comply with the requirements of this subsection (f)(4) shall create a rebuttable presumption that the business of vacation rental is being operated without a license;

(5) provide guests with soap, clean individual bath cloths and towels and clean linen. All linens, bath cloths and towels shall be kept in good repair and changed between guests.

(6) clean and sanitize the vacation rental and all dishes, utensils, pots, pans and other cooking utensils between guests and to dispose of all food, beverages and alcohol left by the

previous guests;

(7) post in a conspicuous place near the entrance of the vacation rental the vacation rental license and the name and telephone number of the local contact person;

(8) post in a conspicuous place on the inside entrance door of each vacation rental an evacuation diagram identifying all means of egress from the vacation rental and the building in which the vacation rental is located;

(9) if the licensee provides food to guests, comply with all applicable food handling and licensing requirements of this Code and board of health regulations;

(10) if a licensee knows or suspects that any criminal activity or public nuisance is taking place in the vacation rental, immediately notify and cooperate with the Chicago police department.

(g) *Prohibited acts.* It shall be unlawful for any licensee engaged in the business of vacation rental to:

(1) rent or to lease any vacation rental by the hour or for any period of fewer than 24 consecutive hours;

(2) rent or to lease any vacation rental more than once within any consecutive 24 hour period, as measured from the commencement of one rental to the commencement of the next;

(3) advertise an hourly rate or any other rate for a vacation rental based on a rental period of fewer than 24 consecutive hours;

(4) permit any criminal activity or public nuisance to take place in the vacation rental;

(5) exceed the maximum occupancy limit of no more than one person per 125 feet of floor area of the dwelling unit for which the license is issued. The occupancy limitations set forth in this subsection (g)(5) are absolute maximums. The actual allowed capacity shall be based on the applicable provisions of the building code;

(6) serve or otherwise provide alcohol to any guest.

(h) Operating without a license. Any person who operates the business of vacation rental without first having obtained the required license for such business shall be subject to a fine of not less than $1,500.00 nor more than $3,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Failure to comply with any requirement set forth in subsection (f)(4) of this section shall create a rebuttable presumption that the business of vacation rental is being operated without a license

(i) *Penalty.*

(1) In addition to any other penalty provided by law, any person who violates any provision of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than $1,500.00 nor more than $3,000.00 for each offense, or incarceration for a period not to exceed six months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

(2) If any building contains more than 6 licensed vacation rentals, all vacation rental licenses for dwelling units located within such building are subject to revocation.

(3) In addition to any fine or penalty imposed by this section, the corporation counsel may seek an injunction or other equitable relief in a court of competent jurisdiction to stop any violation of this section.

SECTION 16. Section 4-8-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-8-010 Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter and chapters 7-38, 7-40 and 7-42 unless the context clearly indicates that another meaning is intended. The listing of items as examples in any definition is intended to be illustrative and not exhaustive.

(Omitted text is unaffected by this ordinance)

"Mobile ~~frozen~~ desserts ~~dispenser~~ vendor" means any person who, by traveling from place to place upon the public ways, serves from a two-wheeled or three- wheeled motorized or non-motorized vehicle, pushcart, or handcart individual portions of ice cream, ice milk, frozen dessert mix, sundaes or other frozen desserts that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a licensed food establishment.

(Omitted text is unaffected by this ordinance)

SECTION 17. Section 4-8-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-8-020 Licensing requirements– Exceptions.

(Omitted text is unaffected by this ordinance)

(i) Nothing in this chapter shall be construed to prohibit the sale of fruits and vegetables from a vehicle or otherwise as permitted in accordance with ~~Sections~~ Section 4-244-010 ~~and 4-244-020 of the Municipal Code~~ pertaining to peddlers.

(Omitted text is unaffected by this ordinance)

SECTION 18. Section 4-8-036 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-8-036 License – Application – Mobile food ~~dispenser and mobile frozen desserts dispenser~~ dispensers.

(Omitted text is unaffected by this ordinance)

(b) Except as otherwise provided in Section ~~7-38-040~~ 7-38-140 of this Code, ~~an applicant for~~ a mobile ~~frozen~~ desserts ~~dispenser license~~ vendor shall comply with all the licensing requirements applicable to the mobile food dispenser license provided in this chapter.

SECTION 19. Section 4-8-031 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-8-031 Retail food establishment – ~~Supplemental license for d~~Dog-friendly areas.

(a) For purposes of this section, the following definitions apply:

"Commissioner" means the commissioner of business affairs and consumer protection.

"Dog-friendly area" means a dining area of a retail food establishment that is:

(1) located outside; and

(2) accessible from the street.

(b) No retail food establishment shall permit any dog, other than a service dog assisting a handicapped person, on any portion of the retail food establishment's premises, unless

~~the retail food establishment has been issued a supplemental license pursuant to this section~~ all of the requirements in subsection (d) of this section are complied with.

(c) In addition to the general application requirements for a retail food establishment license, a retail food establishment ~~licensee may apply for a supplemental license for the privilege of permitting a patron's dog within dog-friendly areas~~ shall provide a statement as to whether the applicant desires to establish a dog-friendly area at the retail food establishment, other than handicapped persons requiring the assistance of a service dog, to bring their dogs while the patron is frequenting the retail food establishment.

(d) ~~Every supplemental licensee~~ If a retail food licensee allows patrons of the establishment to bring dogs on any portion of the retail food establishment, other than a service dog assisting a handicapped person, ~~shall comply with~~ the following requirements shall apply:

(1) dogs shall only be permitted in dog-friendly areas;

(2) dogs shall not be permitted to be in or travel through any indoor portion of the retail food establishment, or in any area where food is prepared;

(3) any dog not kept on a leash at all times or not kept under control by its owner shall be immediately removed from the retail food establishment's premises. The licensee shall have the right to refuse to serve the owner of any dog if the owner fails to keep the dog on a leash, or to exercise reasonable control over the dog, or the dog is otherwise behaving in a manner that compromises or threatens to compromise the health or safety of any person present in the retail food establishment;

(4) only dogs bearing a current rabies vaccination tag or other proof of current rabies vaccinations shall be permitted in the dog-friendly areas;

(5) a sign shall be posted in a conspicuous place in the retail food establishment indicating whether the retail food establishment permits dogs. The size and language on the sign shall be as set forth in the rules and regulations;

~~(6) the supplemental license shall be posted next to the retail food establishment license;~~

~~(7)~~(6) the dog-friendly area, including all furniture, fixtures, and walking surfaces, shall be made of hard surfaces that can be washed with soap and water, hosed down and sanitized;

~~(8)~~(7) the table and chairs at which patrons with dogs are seated shall be cleaned and sanitized between seating of patrons;

~~(9)~~(8) in the event any patron's dog bites or attacks a person while on the retail food establishment's premises, the licensee shall immediately notify 311;

~~(10)~~(9) while on the retail food establishment's premises, a dog shall not be provided food, either by the employees or by patrons; provided that a dog may be provided water;

~~(11)~~(10) dogs shall not have any contact with any food, food contact surfaces, serving dishes, utensils, tableware, linens, paper products or any other food serving products; and

~~(12)~~(11) the retail food establishment's employees shall not have contact with the dogs. If any employee has contact with a dog or a surface touched by a dog, the employee shall immediately wash his/her hands before continuing with any food service work.

(e) The department of health shall promulgate rules and regulations for the administration and enforcement of this section. The rules and regulations shall include, but not be limited to, adequate controls to ensure compliance with the Illinois Food, Drug and Cosmetic Act, the Illinois Food Handling Regulation Enforcement Act, the Illinois Sanitary Food Preparation Act, and any other applicable statutes and ordinances.

~~(f) The term of a supplemental license issued pursuant to this section shall be as provided for in Section 4-4-021, and the fee shall be $125.00 per year. The license shall expire in conformity with the provisions of the general requirements of Chapter 4-4.~~

~~(g)~~(f) Upon the determination that a person has violated a provision of this section, or any rule or regulation promulgated hereunder, the commissioner of business affairs and consumer protection or commissioner of health may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings; provided however, that if the commissioner recommends the suspension or revocation of the retail food establishment license, the commissioner shall make such recommendation to the department of business affairs and consumer protection in accordance with the requirements of Chapter 4-4 of the Municipal Code.

~~(h)~~(g) ~~he~~ The provisions of this section shall be enforced by the department of business affairs and consumer protection and the department of health.

~~(i)~~(h) Any person who violates any provision of this section or any rule or regulation promulgated hereunder shall be fined not less that $200.00 and not more than $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 20. Chapter 4-32 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 21. Section 4-36-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-36-020 License – Required.

(A) No person shall own, operate, conduct, manage, engage in, maintain or carry on the business of general contractor without first having obtained a general contractor license. The general contractor license shall be in addition to any other license required by law, including, but not limited to, the home repairs license issued pursuant to ~~Chapter 4-204~~ Section 4-6-280 and the excavators license issued pursuant to Chapter 4-196 of this Code, if applicable.

(Omitted text is unaffected by this ordinance)

SECTION 22. Chapter 4-40 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 23. Section 4-60-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

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

(Omitted text is unaffected by this ordinance)

(2) At the time an application for a liquor license is originally filed or subsequently renewed, the applicant or licensee shall provide proof to the 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.

(Omitted text is unaffected by this ordinance)

SECTION 24. Section 4-60-071 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-071 Sale of liquor at Navy Pier ~~liquor licenses~~ – Special conditions.

(a) (1) ~~In addition to the other categories of licenses authorized under this chapter, the local liquor control commissioner may issue Navy Pier liquor licenses. A separate license shall be necessary for each outdoor location, structure or pushcart from which sales of alcoholic liquor are made. In addition to the information required under Section 4-60-040, an application for a Navy Pier liquor license shall include:~~ If a restaurant or tavern located on Navy Pier holds a valid consumption on premises - incidental activity license under this chapter, such license shall authorize the licensee to provide outdoor/fixed seating service of alcoholic liquor at such tavern or restaurant if all of the following requirements are met: (1) the restaurant's or tavern's application for a consumption on premises - incidental activity license identifies the specific site or site area on Navy Pier from which the applicant desires to provide outdoor/fixed seating service and sale of alcoholic liquor; and (2) except as otherwise provided in subsection (e) of this section, such outdoor/fixed seating site or site area is either a direct extension of, or an immediately adjacent part of, a properly licensed restaurant or tavern; and (3) the applicant obtains from ~~the written consent of~~ the Metropolitan Pier and Exposition Authority written consent to allow outdoor/fixed seating service and sale of alcoholic liquor at the specific Navy Pier site or site area identified in the license application; and ~~designation of the specific site or site area on Navy Pier from which the applicant intends to sell alcoholic liquor; for mobile/temporary licenses and outdoor licenses for outdoor areas that are not part of a restaurant or tavern, designation of the location at which the licensee will clean glasses and utensils used in the service of alcoholic liquor. The fee for a Navy Pier liquor license shall be the same as the fee for a consumption on the premises – Incidental activity license~~ (4) the local liquor control commissioner determines that the number of restaurants or taverns authorized under a consumption on premises - incidental activity license to provide outdoor/fixed-seating service and sale of alcoholic liquor at Navy Pier does not violate the prohibition set forth in subsection (e) of this section.

(2) The local liquor control commissioner may issue licenses authorizing at Navy Pier the service and sale of alcoholic liquor from outdoor/non-fixed seating/mobile pushcarts operating in areas that are not part of a restaurant or tavern if all of the following requirements are met: (1) the applicant for such outdoor/non-fixed seating/mobile pushcart license obtains from the Metropolitan Pier and Exposition Authority written consent to allow such outdoor/non-fixed seating/mobile pushcart to serve and sell alcoholic liquor at Navy Pier; and (2) the application for such outdoor/non-fixed seating/mobile pushcart license designates the location at which the licensee will clean glasses and utensils used in the service of alcoholic liquor; and (3) the local liquor control commissioner determines that the number of outdoor/non-fixed seating/mobile pushcart licenses issued for Navy Pier does not violate the prohibition set forth in subsection (d) of this section. A separate outdoor/non-fixed seating/mobile pushcart license shall be required for each mobile pushcart from which sales of alcoholic liquor are made. The fee for such outdoor/non-fixed seating/mobile pushcart license at Navy Pier shall be the same as the fee for a consumption on premises - incidental activity license.

(b) A Navy Pier liquor licensee shall be subject to all provisions of this chapter with the following exceptions:

(1) Subsections (e) and (f) of Section 4-60-040.

(2) Toilet facilities available for public use at Navy Pier shall be considered as compliance with the toilet facilities requirement of subsection (a) of Section 4-60-100 by ~~a mobile/temporary licensee~~ an outdoor/non-fixed seating/mobile pushcart licensee or by an outdoor/fixed seating licensee who operates an outdoor patio that is not an extension of a licensed tavern or restaurant.

(3) ~~A mobile/temporary~~ An outdoor/non-fixed seating/mobile pushcart licensee shall not be required to maintain facilities for the cleaning of glasses and utensils at the point of sale as otherwise required under subsection (a) of Section 4-60-100, if ~~the~~ such licensee serves alcoholic liquor only in disposable containers.

(c) Only beer and wine may be sold from a pushcart or other mobile point of sale by ~~a Navy Pier mobile/temporary liquor~~ an outdoor/non-fixed seating/mobile pushcart licensee.

(d) No more than six ~~Navy Pier mobile/temporary~~ mobile pushcart liquor licenses shall be issued at Navy Pier for pushcarts or other mobile points of sale during any license period.

(e) No more than ten ~~Navy Pier~~ licensed restaurants or taverns, in any combination, shall be authorized, pursuant to a consumption on premises - incidental activity license, to serve and sell alcoholic liquor at an outdoor/fixed seating site or site area at Navy Pier ~~outdoor/fixed seating liquor licenses shall be issued~~ during any license period. Of the ten consumption on premises - incidental activity licenses that do authorize the holder of such license to serve and sell alcoholic liquor at an outdoor/fixed seating site or site area at Navy Pier, only ~~One~~ one such license may be issued for the sale and service of alcoholic liquor at an outdoor location on Navy Pier~~;~~ that is not adjacent to any premises licensed for consumption on the premises – ~~I~~incidental activity or as a tavern.

(f) No Navy Pier liquor licensee may serve or permit the service of alcoholic liquor outdoors between the hours of 12:00 midnight and 12:00 noon.

(g) ~~A Navy Pier outdoor/fixed seating liquor license shall be the exclusive license for sale of alcoholic liquor at an outdoor location adjacent to a premises on Navy Pier and licensed for consumption on the premises – Incidental activity or as a tavern.~~ No outdoor patio or sidewalk café permit shall be issued for any outdoor location on Navy Pier.

(h) The local liquor control commissioner is authorized to promulgate rules and regulations to implement the requirements of this section, including, but not limited to, rules and regulations to create a neutral process to allocate licenses under this section in the event that the

demand for such licenses exceeds the availability of such licenses under subsections (d) or (e) of this section.

SECTION 25. Section 4-60-077 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-077 Airport pushcart liquor licenses

(Omitted text is unaffected by this ordinance)

(b) *Airport pushcart liquor license established; fee.* In addition to the other categories of licenses authorized under this chapter, the liquor commissioner may issue airport pushcart liquor licenses to permit the sale of alcoholic liquor from pushcarts within authorized areas at O'Hare and Midway. A separate license shall be required for each pushcart from which sales of alcoholic liquor are made, and such license shall be valid only in the terminal for which it is issued. The fee for an airport pushcart liquor license shall be as set forth in Section 4-5-010, and shall be assessed ~~annually for a Class A license, and at the start of the license term for a Class B license~~ in accordance with the requirements set forth in subsection (c)(1) or (c)(2) of this section, as applicable.

(c) (1) ~~*Two classes of license.*~~ *Eligibility requirements – Restrictions.* ~~There shall be two classes of airport pushcart liquor licenses, as follows: *Class A license:* Eligibility~~ Except as otherwise provided in subsection (c)(2) of this section, eligibility for ~~this~~ an airport pushcart license shall be limited to an applicant who holds a tavern or consumption on premises-incidental activity license for the terminal in which the applicant seeks to operate pushcarts. ~~This license has a one-year term, with the annual start and end date to be set by the commissioner of aviation. The~~ Provided, however, that the number of ~~Class A licenses~~ airport pushcart licenses that ~~a licensee~~ any such applicant may obtain for each airport shall not exceed the number of tavern or consumption on premises-incidental activity licenses that said licensee holds at that airport. ~~There~~ Provided further, that, at any given time, within any given airport terminal, the ~~shall be a~~ maximum overall number of airport pushcarts that may be licensed under this section to operate in any such terminal shall not exceed a maximum of five ~~Class A~~ airport pushcart liquor licenses issued for operation at O'Hare, and a maximum of five ~~Class A~~ airport pushcart licenses issued for operation at Midway~~, at any given time~~.

(2) ~~*Class B license:*~~ *Temporary airport pushcart liquor license – Authorized when.* ~~Eligibility for this license shall be limited to~~ Notwithstanding anything to the contrary in subsection (c)(1) of this section: If an applicant ~~who~~ holds~~;~~ or has received ~~pursuant to Section 4-60-042~~ conditional approval under Section 4-60-042 for~~;~~ a tavern or consumption on premises-incidental activity license for ~~the~~ a terminal located at O'Hare or Midway and such ~~in which the applicant seeks to operate pushcarts. This license shall be valid only while the~~

licensee's leased location at ~~O'Hare or Midway, as applicable,~~ such terminal is temporarily closed due to redesign or construction.~~. This license has a 180-day term commencing upon issuance of the license, and may be renewed by~~ the liquor commissioner may, upon proof of such closure, issue to such person, a temporary airport pushcart liquor license under this subsection (c)(2). Such temporary liquor license shall be valid for a period of 180 days from the date of its issuance and may be renewed by the liquor commissioner for one additional 180-day period upon proof of continued closure. The number of ~~Class B licenses that a licensee may obtain for each airport~~ temporary airport pushcart liquor licenses issued to any such person under this subsection (c)(2) shall not exceed the number of tavern or consumption on premises-incidental activity licenses that said ~~licensee~~ person holds~~;~~ or has received conditional approval for ~~pursuant to~~ under Section 4-60-042, at that airport.

(d) Rulemaking authority. The commissioner of aviation is authorized to promulgate rules specifying the start and end date for ~~the Class A license~~ any license issued under subsection (c)(1) of this section; the maximum number of airport pushcarts that may operate within a given terminal subject to the overall limits on the number of licenses set forth in subsection (c)(1); a neutral process for allocating pushcart liquor licenses in the event demand exceeds available locations; the size, design, and configuration of pushcarts operated pursuant to this section; areas where pushcarts can, and cannot, be operated; further limitations on the times of operation allowed by the liquor commissioner; and such other restrictions and requirements as are deemed necessary and appropriate for safety, security, and operational reasons.

(e) *Application and issuance – process.* Application for an airport pushcart liquor license shall be governed by the following process:

(1) With regard to ~~a Class A license~~ any license issued under subsection (c)(1) of this section, if the commissioner of aviation determines that there is available space at O'Hare or Midway for one or more licensed pushcarts, ~~he~~ the commissioner shall so notify lessees at the applicable airport, providing information regarding application deadlines, required documents and information, and other pertinent information. An application for a ~~Class B~~ temporary license issued under subsection (c)(2) of this section may be initiated at any time by the applicant.

(Omitted text is unaffected by this ordinance)

If the commissioner of aviation concludes that the lease will not allow pushcart operation or that the applicant's submission does not comply with applicable rules, or that the applicant was not selected for eligibility pursuant to the neutral process for allocating eligibility, ~~he~~ the commissioner shall notify the applicant of the denial, and the reasons for such denial, by mail. The decision of the commissioner of aviation shall be, on the date the denial is mailed, a final administrative decision appealable as provided by law.

(f) *Application and issuance – annual and supplementary.* The process set forth in paragraph (d) above shall be conducted once annually to establish ~~Class A~~ pushcart licensees

under subsection (c)(1) of this section for a given license period. This process may also be conducted one or more times during the course of the license period if the commissioner of aviation determines that additional locations for pushcarts have become available since the time of the annual issuance for that period.

(Omitted text is unaffected by this ordinance)

SECTION 26. Section 4-60-075 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 27. Section 4-60-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-60-130 Hours of operation.

(Omitted text is unaffected by this ordinance)

(f) (1) Every application for a late-hour privilege must be accompanied by an exterior safety plan meeting the requirements of this subsection (f). In addition, any person who has obtained a late-hour privilege prior to the effective date of this amendatory ordinance must submit to the department of business affairs and consumer protection an exterior safety plan meeting the requirements of this subsection (f) no later than January 1, 2008.

(Omitted text is unaffected by this ordinance)

(3) The plan shall provide evidence satisfactory to the commissioner of business affairs and consumer protection of: (i) the installation of adequate exterior lighting in accordance with rules prescribed by the commissioner; (ii) the installation and maintenance of surveillance cameras installed at each building exit utilized by the general public, employed and lighted in such a manner to identify persons entering or exiting the building between the hours of 1:00 A.M. and 6:00 A.M.; and (iii) the employment of adequately trained security personnel in accordance with rules prescribed by the commissioner. Recordings from the surveillance camera required by clause (ii) shall be maintained for not less than ~~72 hours~~ 30 days and shall be made available to members of the Department of Police.

(Omitted text is unaffected by this ordinance)

SECTION 28. Section 4-60-210 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 29. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by repealing in its entirety Article III of Chapter 4-64.

SECTION 30. Section 4-64-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-64-330 In general.

(a) Alleged violations of the provisions of Sections 4-64-100, 4-64-101, 4-64-131, 4-64-132, 4-64-140, 4-64-150, 4-64-160, 4-64-170, 4-64-180, 4-64-181, ~~4-64-190(c)~~, 4-64-200, 4-64-205, 4-64-220, ~~4-64-260, 4-64-300, 4-64-310 and 4-64-320 of this chapter~~ and Sections ~~3-42-050~~, 3-42-060, ~~3-42-070~~ and 3-42-100 shall be adjudicated by the circuit court of Cook County or the department of administrative hearings pursuant to citation. Penalties shall be as prescribed in this section, notwithstanding any other general penalty provision in this Code.

(b) ~~Any~~ In addition to any other penalty provided by law, any person convicted of a first offense for violating any of the provisions referenced in subsection (a) of this section shall be punishable by a fine of not less than $100.00 and not more than $500.00. Any person convicted of a second offense within a two year period under the foregoing section shall be punished for such offense by a fine of not less than $250.00 and not more than $500.00. Any person convicted of more than two offenses within a two year period under the foregoing sections shall be punished for such offense by a fine of not less than $500.00 and not more than $1,000.00 for each additional offense.

SECTION 31. Section 4-64-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-64-100 Licensing requirements for retail tobacco dealers.

No person shall engage in the business of a retail tobacco dealer without first having obtained a license therefor. A separate license shall be required for each establishment at which tobacco products or tobacco accessories are sold. ~~The city clerk shall issue an adhesive self-voiding license emblem to be placed on each licensed cigarette-vending machine. Each license emblem shall be coded to identify the vending operator who has control over each cigarette- vending machine. The license emblem shall bear the words City of Chicago, Licensed Cigarette-Vending Machine.~~ The license shall designate the period of time for which the license is

valid, shall contain a reproduction of the city seal along with the names of the mayor and city clerk; ~~shall contain a space for a brief description of the name, style and type of vending machine to be licensed;~~ and such other language as may be prescribed by the mayor. A replacement license emblem will not be issued unless the application for such replacement emblem is accompanied by a police report of the incident in which the emblem to be placed was lost, stolen or mutilated, or unless the remnants of the emblem being replaced are submitted with the replacement application. ~~There shall not be a change of location fee assessed when a cigarette-vending machine is moved from one location to another.~~

SECTION 32. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-64-131, as follows:

4-64-131 Tobacco products-vending machines — Prohibited.

No person shall engage in the business of a retail tobacco dealer using a cigarette-vending machine.

For the purpose of this section, "cigarette-vending machine" means any mechanical device used for retail sales of tobacco products, the operation of which is governed or controlled by use of currency, a coin, a token, or credit or debit card.

SECTION 33. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-64-132, as follows:

4-64-132 Cooperation with inspections – Required.

(a) Licensee and their agents are prohibited from closing and locking safe doors and other doors, including, but not limited to, doors to closets and storerooms, when an authorized city investigator has identified himself and announced his intention to inspect the premises for compliance with the requirements of this Code.

(b) Licensees and their agents shall not continue to sell cigarettes and other tobacco products when an authorized city investigator has identified himself and announced his intention to inspect the premises for compliance with the requirements of this Code.

(c) Within thirty minutes of the arrival of any authorized city inspector charged with responsibility for inspecting the licensed premises, the licensee shall have a person available on site to open any locked safe(s) and door(s) where unstamped cigarettes may be hidden.

SECTION 34. Section 4-64-191 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-64-191 Certain transactions prohibited.

No person shall sell, offer for sale, barter or expose for sale any cigarette, tobacco or smokeless tobacco except in its original factory-wrapped package. No person shall sell, offer for sale, barter or expose for sale any cigarettes in a package containing fewer than 20 cigarettes.

Any person who violates this section shall be subject to a fine of $1,000.00 for a violation involving forty or fewer cigarettes,and $25.00 per cigarette for a violation involving over forty cigarettes, and an additional $2,000.00 for the second and each subsequent offense.

SECTION 35. Section 4-64-194 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-64-194 Sale of bidi cigarettes and other tobacco products.

(Omitted text is unaffected by this ordinance)

(c) Any person who violates this section shall be subject to a fine of not less than $500 nor more than $2,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 36. Section 4-64-331 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-64-331 Underage tobacco violations – Civil penalty.

(Omitted text is unaffected by this ordinance)

(c) Any person who commits an underage tobacco violation under Section 4-64-190 shall be liable for a civil penalty of ~~$500.00~~ $1,000.00 for the first violation; ~~$1,000.00~~ $2,000.00 for the second and subsequent violations within two years; and the person's retail tobacco license shall be revoked for the third offense within two years. A person who commits any other underage tobacco violation shall be liable for a civil penalty of $200.00.

(Omitted text is unaffected by this ordinance)

SECTION 37. Section 4-64-340 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-64-340 Revocation and other enforcement provisions.

(a) Any retail tobacco dealer's license~~,~~ or tobacco product sampler's license ~~or cigarette-vending machine operator's license~~ shall be revocable by the mayor upon violation by the licensee of any of the provisions of this chapter or the criminal laws of the State of Illinois.

(b) The comptroller, the commissioner of business affairs and consumer protection and the superintendent of police shall have the authority to immediately disable the coin slot of any cigarette-vending machine which is dispensing unstamped cigarettes or ~~which does not have a valid license emblem affixed to it~~ tobacco products in violation of section 4-64-131 of this Code upon notarized affidavit of two investigators of the department of business affairs and consumer protection or the Chicago Police Department attesting to the particular violation. The comptroller, the commissioner of business affairs and consumer protection or the superintendent of police shall also have the authority to confiscate or remove a cigarette-vending machine which ~~does not have a valid license emblem or which~~ is dispensing unstamped cigarettes.

SECTION 28. Section 4-68-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-68-150 Insurance.

Every ambulance owner shall ~~carry~~ maintain in full force and effect at all times throughout the duration of the license period public liability and property damage insurance and workmen's compensation insurance for employees with insurers approved by the Illinois Department of Insurance, authorized to transact insurance business in the State of Illinois, and qualified to assure the risks for amounts hereinafter set forth under the laws of the State of Illinois, to secure payments of any loss or damage resulting from an occurrence arising out of or caused by the operation or use of any of the ambulances belonging to the licensee. The public liability insurance policy or contract may cover one or more ambulance vehicles, but each ambulance shall be insured for the sum of at least $350,000.00 combined single limit coverage per occurrence. Every insurance policy or contract for such insurance shall name the City of Chicago as an additional insured, and shall provide for the payment and satisfaction of any final judgment rendered against the owner, or any person driving any insured vehicle, and that suit may be brought in any court of competent jurisdiction upon such policy or contract by any person having claims arising from the operation or use of such ambulances; it shall contain a description of each ambulance vehicle insured, manufacturer's name and serial number, the State license number, and the ambulance-operating license number.

(Omitted text is unaffected by this ordinance)

All insurance policies, contracts or surety bonds required by this section or copies thereof certified by the insurers or sureties shall be filed with the department of business affairs and consumer protection, and no insurance or bond shall be subject to cancellation or lapse, except on 30 days previous notice to the department of business affairs and consumer protection.

(Omitted text is unaffected by this ordinance)

SECTION 39. Section 4-68-200 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 40. Chapter 4-72 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 41. Title 4 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 4-75, as follows:

CHAPTER 4-75
CHILDREN'S SERVICES FACILITY

4-75-010 Definitions.

"Amusement(s)" shall have the meaning ascribed to the term in Section 4-156-010.

"Automatic amusement device" shall have the meaning ascribed to the term in Section 4-156-150.

"Children" or "child" means any natural person seventeen years of age or younger.

"Children's play center" means any institution or place, regardless of nomenclature, where the primary business activity is to provide recreational activities to children who are apart from their parent or guardian. The term "children's play center" does not include the following: (1) any program operated by private entities on the grounds of public or private elementary schools or secondary schools; (2) any program operated by a public or private school or secondary level school; (3) any program operated by the State Board of Education or the Board of Education of Chicago; (4) any program operated by government agencies or conducted on government premises; (5) any program operated by or conducted on the premises of a college or university; (6) any program operated primarily for religious instruction; (7) any program operated by a hospital

or other health care facility; (8) any entity, location or place licensed or required to be licensed as a public place of amusement pursuant to Chapter 4-156 of this Code; or (9) any person providing one-on-one recreational, cognitive or educational activities to a child in a dwelling unit, as defined in Section 17-17–0248, in which the person or child resides.

"Children's services facility" means a "day care center" or "children's play center" as those terms are defined in this section.

"Day care center" means any institution or place, regardless of nomenclature and with or without a stated educational purpose, including, but not limited to, any day care center, where three or more children six years of age or younger, who are not of common parentage and who are apart from their parent or guardian, are cared for during all or part of the day. The term "day care center" does not include the following: (1) any "day care home", "group day care home" or "foster family home" as those terms are defined in this section; (2) any center for the intellectually or developmentally disabled licensed by the State of Illinois; (3) any bona fide kindergarten or day nursery school serving children three years of age or older and established in connection with grade schools supervised or operated by a private or public board of education or approved by the State Board of Education; or (4) any daytime program for senior citizens.

"Day care home" means any family unit which receives four or more children, up to a maximum of 12 children, for less than 24 hours per day. The number of children counted shall include the family's natural or adopted children and all other persons under the age of 12. The term "day care home" does not include facilities which receive only children from a single household.

"Group day care home" means any family home which receives four or more children, up to a maximum of sixteen children, for less than 24 hours per day. The number of children counted shall include the family's natural or adopted children and all persons under the age of twelve.

"Foster family home" means a facility for child care in residences of families who receive no more than eight children unrelated to them, unless all of the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, and as further defined in Section 2.17 of the Child Care Act of 1969, codified at 225 ILCS 1-/1 et seq.

"Private event" means a party or similar type of event held primarily for children, such a birthday party or holiday party for children. Such private event may include food, non-alcoholic beverages and entertainment.

"Primary business activity" means an activity that constitutes at least 51 percent of the gross receipts of a business.

4-75-020 License – Required.

No person shall engage in the business of children's services facility without first having obtained a license under this chapter.

4-75-030 License – Application.

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

(1) the location of the facility for which a license is sought;

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

(3) the hours of operation of the facility;

(4) the name of the person(s) charged with responsibility for day-to-day management or supervision of the facility;

(5) the name of each manager who has or will have contact with children;

(6) a statement as to whether the applicant, any controlling person, any manager, any person charged with responsibility for day-to-day management or supervision of the facility or any existing employee or staff member of the facility has ever (i) been declared a sexually dangerous person under "An act in relation to sexually dangerous persons, and providing for their commitment, detention and supervision," codified at 725 ILCS 205/1.01 et seq.; or (ii) admitted guilt or liability or been found guilty or liable in any judicial proceeding of committing or attempting to commit any offense set forth in Section 10/4.2(b) or (c) of the Child Care Act, codified at 225 ILCS 10/1 et seq., or in Article 11 of the Criminal Code, Sex Offense, codified at 750 ILCS 5/Article 11;

(7) a statement as to whether, within ten years prior to the date of application or renewal, the applicant, any controlling person, any manager, any person charged with responsibility for day-to-day management or supervision of the facility or any existing employee or staff member of the facility has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type other than those felonies required to be disclosed under paragraph (4) of this subsection or of a misdemeanor offense involving drugs or narcotics;

(8) a statement as to whether, within four years prior to the date of application or renewal, the applicant has ever had a day care center license, children's activities facilities license, children's services facility license or its equivalent in any jurisdiction revoked for cause;

(9) a statement as to whether, within one year prior to the date of application or renewal, the applicant has ever had a day care center license, children's activities facilities license, children's services facility license or its equivalent revoked for any cause for the location identified in the license application;

(10) proof of insurance, as required under Section 4-75-080;

(11) whether the applicant is seeking to obtain a night care privilege under Section 4-75-150;

(12) any other information that the commissioner may reasonably require.

(b) The applicant and every manager identified or required to be identified pursuant to subsection (a)(5) of this section shall submit to fingerprinting by the department in accordance with the requirements set forth in Section 4-4-307.

(c) It is a condition of the license that all information in the license application be kept current. Any change in required information shall be reported to the commissioner, on a form provided by the department, no later than ten days after the change has occurred, excluding Saturdays, Sundays and legal holidays.

4-75-040 License issuance and renewal – Prohibited when.

(a) No license under this chapter shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who is under the age of 18;

(2) any applicant or licensee, as applicable, if such applicant or licensee, any controlling person, any manager, any person charged with responsibility for day-to-day management or supervision of the facility, or any existing employee or staff member (i) been declared a sexually dangerous person under "An act in relation to sexually dangerous persons, and providing for their commitment, detention and supervision," codified at 725 ILCS 205/1.01 et seq.; or (ii) admitted guilt or liability or been found guilty or liable in any judicial proceeding of committing or attempting to commit any offense set forth in Section 10/4.2(b) or (c) of the Child Care Act, codified at 225 ILCS 10/1 et seq., or in Article 11 of the Criminal Code, Sex Offense, codified at 750 ILCS 5/Article 11;

(3) any applicant or licensee, as applicable, if, within ten years prior to the date of application or renewal, such applicant or licensee or any controlling person or any person charged with responsibility for day-to-day management or supervision of the facility or any existing

employee of the facility has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type other than those felonies required to be disclosed under paragraph (4) of subsection (a) of this section or of a misdemeanor offense involving drugs or narcotics; unless, upon the request of such person, the commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;

(4) any applicant or licensee, as applicable, if, within four years prior to the date of application or renewal, such person has ever had a day care center license, children's activities facilities license, children's services facility license or its equivalent in any jurisdiction revoked for cause; and if so, the circumstances surrounding such revocation;

(5) any applicant or licensee, as applicable, if, within one year prior to the date of application or renewal, such person has ever had a day care center license, children's activities facilities license, children's services facility license or its equivalent revoked for any cause for the location identified in the license application;

(6) In the case of an initial application for a license under this chapter, any applicant or licensee, as applicable, unless the bureau of fire prevention and the department of buildings inspect the premises identified in the license application and determine that such premises are in compliance with all applicable requirements of this Code. If the facility identified in the license application is a day care center or child care facility, the department of health shall also inspect such facility for compliance with the requirements of this Code;

(7) any applicant or licensee, as applicable, for any location that is licensed under Chapter 4-156 of this Code as a public place of amusement;

(8) any applicant or licensee, as applicable, that holds a liquor license under Chapter 4-60 of this Code for the sale of alcohol at the licensed facility or a license under Chapter 4-64 of this Code for the sale of tobacco products at the licensed facility;

(9) any applicant or licensee, as applicable, that is seeking a night care privilege within the meaning of Section 4-175-150 unless all applicable requirements set forth in Section 4-175-150 have been met.

(b) Eligibility for issuance of a license under this chapter shall be a continuing requirement for maintaining a license under this chapter. Failure to maintain eligibility for issuance of a license under this chapter may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280 of this Code.

4-75-050 License renewal.

All licenses issued under this chapter shall be renewed in accordance with the requirements set forth in Chapter 4-4 of this Code.

4-75-060 License fee.

The fee for a license under this chapter shall be as set forth in Section 4-5-010 of this Code. Provided, however, that day care centers which are operated without a charge being made for the care of children shall be exempt from payment of the license fee.

4-75-070 License – Posting – Nontransferablity.

Each license issued under this chapter shall be posted in conspicuous place near the main entrance of the licensed facility. Such license shall not be subject to sale, assignment or transfer, whether voluntary or involuntary, and shall be valid only for the location identified in the license application.

4-75-080 Insurance – Required.

Each licensee under this chapter shall furnish a certificate of insurance, evidencing commercial general liability insurance, with limits of not less than $300,000.00 per occurrence, combined single limit, for bodily injury, personal injury, and property damage arising in any way from the issuance of a license under this chapter. Each policy of insurance required under this section shall be (1) issued by an insurer authorized to insure in the State of Illinois; (2) name the City of Chicago as an additional insured; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect throughout the duration of the license period. Upon request by any authorized city official, a copy of such certificate of insurance shall be made available for inspection by such city official.

4-75-090 Permitted amusements and other activities – Exceptions.

(a) If an amusement, as set forth in items (1) through (4) of this subsection, is incidental or secondary to the primary activity of the children's services facility, and such children's services facility is not a day care center as defined in Section 4-75-010, then, a licensee under this chapter may conduct any amusement described in items (1) through (4) of this subsection on the licensed premises without the need to obtain a public place of amusement license or indoor special events license or performing arts venue license under Chapter 4-156 of this Code, as follows:

(1) Such licensee is permitted to have no more than three automatic amusement devices in the facility, which shall only be used by children at the facility;

(2) Such licensee is permitted to hold recitals, performances or tournaments in which children at the facility are the participants;

(3) Such licensee is permitted to hold performances for children at the facility, including, but not limited to, theatrical, dramatic or musical performances;

(4) Such licensee is permitted to hold private events at the licensed facility.

(b) A licensee under this chapter may obtain a retail food license to serve food or beverages at the facility, if (i) the service of food or beverages at the facility is incidental or secondary to the primary activity of the facility; and (ii) the facility is not a day care center care as defined in Section 4-75-010.

4-75-100 Prohibited activities and amusements.

No licensee under this chapter shall:

(1) Hold a liquor license for the sale of alcohol at the licensed facility;

(2) Hold a license for the sale of tobacco products at the licensed facility;

(3) Permit the consumption of alcohol at the licensed facility; or

(4) Hold or conduct any amusement at the licensed facility, other than those amusements authorized under Section 4-75-090.

4-75-110 Legal duties – All licensees.

In addition to complying with all applicable requirements set forth in Chapter 4-4 of this Code, each licensee under this chapter shall have a duty to:

(1) make such reports to the department as the department may from time to time require in duly promulgated rules and regulations;

(2) prior to hiring any manager, employee or other staff personnel who have or will have contact with children at the licensed facility, to conduct a State of Illinois and Federal Bureau of Investigation ("FBI") fingerprint-based record search to determine whether such person has a criminal background of the type prohibited under paragraphs (4) and (5) of Section 4-75-040. The fingerprints and any information regarding the background checks shall be kept on file at the facility and shall be open to inspection by any authorized city official at all times.

4-75-120 Prohibited acts – All licensees.

It shall be unlawful for any licensee under this chapter to:

(1) hire or otherwise employ any manager, employee or other staff personnel who has or will have contact with children at the licensed facility if such person has a criminal background of the type prohibited under paragraphs (4) and (5) of Section 4-75-040. Provided, however, that it shall be an affirmative defense to the imposition of any fine under this chapter and to license

suspension or revocation if, prior to hiring or employing any such manager, employee or other staff personnel: (1) the licensee initiated, pursuant to the Illinois Uniform Conviction Information Act, codified at 20 ILCS 2635/1 et seq., a state and FBI fingerprint-based record search of the person so hired or employed; and (2) such fingerprint-based record search indicated that the person so hired or employed did not have a criminal background of the type prohibited under paragraphs (4) and (5) of Section 4-75-040; and (3) the licensee did not acquire any subsequent or independent knowledge that the person so hired or employed had a criminal background of the type prohibited under paragraphs (4) and (5) of Section 4-75-040.

(2) make any false, misleading or fraudulent statement in such person's license application or to misrepresent any fact in such license application;

(3) use any scheme or subterfuge for the purpose of evading any requirement of this chapter;

(4) be cruel to a child or indifferent to the welfare of a child;

(5) misappropriate the property of a child or other occupant of the licensed facility;

(6) convert the property of a child or other occupant of the licensed facility.

4-75-130 Additional legal duties for day care centers.

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

(1) provide personnel sufficient in number and qualified by training or experience to provide proper and adequate supervision for the number of children to be cared for at the licensed facility;

(2) comply with all applicable building, health, zoning and fire provisions of this Code;

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

(4) comply with (i) all applicable requirements pertaining to school vehicles as set forth in Chapter 9-116 of this Code, including, but not limited to, any registration requirement for such vehicle; and (ii) the State of Illinois' "Transportation Standards", codified at 89 Ill.Adm.Code §407.280, if any vehicle is used to transport children on behalf of the day care center ;

(5) If care will be provided to any child under the age of two, locate the day care center two feet above or two feet below or level with the sidewalk, public way or other open space at least 30 feet wide.

4-75-150 Night care privilege.

If the children's service facility is a day care center and the licensee desires to provide night care at such facility, the following requirements shall apply:

(a) No licensee shall operate a day care center between the hours of 9:00 p.m. and 6:00 a.m. without a night care privilege granted under this section;

(b) An application for a night care privilege may be filed with the department as part of an initial or renewal application for a license under this chapter;

(c) In addition to the other requirements for a children's service facility license, every applicant for a night care privilege shall comply with the following:

(1) The day care center shall comply with the State of Illinois' "Night Care Standards", codified at 89 Ill.Adm.Code §407.240.

(2) The day care center shall provide a cot with at least three inches of dense padding for use by each child who sleeps longer than two hours and who is not required to sleep in a crib;

(3) Any day care center required to provide a fire alarm system under Section 13-196-200 or Section 15-16-110 of this Code shall either be directly connected to a city fire alarm box as provided in Section 15-16-1430 or connected to a central station service as provided in Section 15-16-1460 when operating between the hours of 9:00 p.m. and 6:00 a.m. All day care centers located on a floor that is above or below ground level shall comply with the fire resistive separation requirements for institutional occupancies that are day care centers serving children under two years of age, as set forth in chapter 13-56 of this Code;

(4) The exterior of all entrances and exits of the building in which the day care center is located shall be adequately lighted at all times;

(5) Every window of the day care center which is operable and which is located within 20 feet of ground level or within ten feet of an adjacent roof or within ten feet of an exterior stairway, fire escape, ramp, porch or other structure accessible from the ground level shall be equipped with a lock which when in a locked position will prevent the window from being operated and a motion detector or other detection device which sounds when the window is operated while in a locked position; and such window(s) shall be capable of being opened without a key from the inside of the building;

(6) All doors of the day care center used in connection with exits, as defined in Section 13-160-020, shall comply with the hardware requirements set forth in Section 13-160-260 of this Code;

(7) Each door that permits direct access to the day care center shall be equipped with an alarm or other detection device that sounds whenever a locked door is opened;

(8) The emergency system and exit lighting system of the day care center shall comply with Chapter 18-27 of this Code;

(9) During the hours of 9:00 p.m. and 6:00 a.m., access to the day care center shall be permitted only from a single door which is equipped with a security system consisting of: (i) an intercom system that permits communication between an employee of the day care center located in a secure reception area and all persons seeking access to the center; and (ii) an electronic lock that is activated by a release button located within a secure reception area but can be opened manually from the inside of the center.

(d) The department of business affairs and consumer protection shall notify the departments of police, fire, health, family and support services and buildings of the name and address of every children's service facility licensee who has been granted a night care privilege under this section.

(e) A night care privilege granted pursuant to this section shall be subject to suspension or revocation upon a finding that the children's service facility operating as a day care center is not in compliance with the requirements of this section.

4-75-160 Departmental duties – Annual inspection – Required.

Every facility licensed under this chapter shall be inspected annually by the fire department's bureau of fire prevention and the department of buildings. Day care centers may also be inspected by the department of health.

4-75-170 License – Suspension or revocation.

The violation of any provision of this chapter may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280.

4-75-180 License revocation – Four year wait for new license.

No person whose license under this chapter is revoked for any cause shall be granted a children's services facility license, under the same or different name, for a period of four years from the date of revocation.

4-75-190 Violation – Penalty.

(a) In addition to any other penalty provided by law, any person who violates any provision of this chapter or any rule or regulation promulgated hereunder shall be subject to a fine

of not less than $200.00 nor more than $1000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) In addition to any other penalty provided by law, the license of any person who violates Section 4-75-090 three or more times within any twelve-month period shall be revoked.

4-75-200 Summary closure.

(a) In addition to any other penalty provided by law, if an inspection indicates that the condition of a licensee's operation or premises creates an imminent hazard to the public health or safety or to the health or safety of any child within the children's services facility, the commissioner may immediately close the facility until such time that the condition(s) causing the hazard is corrected. Upon closure of the licensed facility, all operations related to the license shall immediately cease. The commissioner may cause a "notice of closure" sign to be conspicuously placed upon the closed licensee's premises. It shall be unlawful for any person to remove a "notice of closure" sign placed on the licensee's premises unless authorized to do so by the commissioner. Upon closure, a licensee may, at any time, apply for restoration of the license. Within 48 hours after the commissioner receives an application for restoration of the license, which shall be accompanied by a statement, signed by the licensee, certifying that the conditions giving rise to the imminent hazard have been corrected and that the facility is in compliance with all applicable requirements of the Code, the commissioner shall cause a reinspection of the licensed premises to determine whether the conditions that caused the hazard have been corrected. A reinspection fee in the amount set forth in Section 4-4-135 shall be assessed against the licensee for each necessary or appropriate inspection conducted by or caused to be conducted by the commissioner to address the previously identified Code violation(s). In addition to any penalties provided by law, the licensee shall be liable for the actual costs incurred by the City to abate, remediate, repair or remove the conditions that gave rise to the violation.

(b) For purposes of this section, the term "children's services facility" shall include any institution or place, regardless of nomenclature, which provides recreational, educational or cognitive activities to children who are apart from their parent or guardian.

4-75-210 Regulations.

The commissioner of business affairs and consumer protection and the board of health is authorized to promulgate rules and regulations necessary to implement the requirements of this chapter.

SECTION 42. Chapter 4-76 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 43. Chapter 4-80 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 44. Chapter 4-84 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 45. Chapter 4-88 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 46. Section 4-92-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-92-060 Massage establishment license – Revocation and suspension.

(Omitted text is unaffected by this ordinance)

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of ~~one year~~ two years thereafter for the conduct of a massage establishment in the premises described in such revoked license, and no massage establishment license shall be granted, and any massage establishment license may be revoked or suspended, for any other premises in the city with respect to the person whose license was revoked for cause, for the period of ~~one year~~ two years thereafter. Such prohibition, revocation or suspension shall apply also to the spouse, business partner, or any person who holds more than a ten percent ownership interest in that licensee.

SECTION 47. Section 4-92-200 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-92-200 Violation – Penalty.

Any person who violates any section of this chapter shall upon conviction thereof be punished by a fine of not less than ~~$200.00 nor more than $500.00 for the first offense and not less than $300.00 nor more than $500.00 for the second offense,~~ $500.00 nor more than $1,000.00 for each offense, and shall be punished as a misdemeanor for each subsequent offense by incarceration in the county jail for a term not to exceed six months under procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.1, as amended, or by both fine

and imprisonment except, however, that any violation of Section 4-92-047 (c), (e), (f) or (g) shall be a misdemeanor punishable by incarceration in the county jail for a term not less than five days and not to exceed six months.

SECTION 48. Section 4-92-210 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 49. Chapter 4-93 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 50. Chapter 4-96 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 51. Chapter 4-97 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 52. Chapter 4-100 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 53. Section 4-108-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-010 Definition.

"Filling station", as used in this chapter, means any ~~building, structure, premises, enclosure or other place within the city where a container or containers, tank or tanks, either portable or stationary, and containing ether, carbon bisulfite, gasoline, naphtha, benzol, hydrocarbon (gas drips), liquefied petroleum gas, acetone, kerosene, turpentine or other flammable liquids having a flash point below 165 degrees Fahrenheit, are kept or located for the purpose of selling, offering for sale or distributing any such liquids from such container or tank; provided, however, that the provisions of this chapter shall not apply to any place where such~~

~~flammable liquids are kept or sold for medicinal purposes only~~ establishment at which motor vehicles are refueled or recharged.

SECTION 54. Section 4-108-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-108-020 License – Required.

No person shall engage in the business of a filling station without first having obtained a filling station license ~~therefor~~. A hazardous materials license shall not be required to perform the activities authorized by a license issued under this chapter.

SECTION 55. Section 4-108-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-030 License – Application ~~– Investigation.~~

~~An application for said license shall be made in conformity with the general requirements of this Code relating to applications for licenses. The applicant shall also specify~~ In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a filling station license shall be accompanied by the following information:

(1) A statement specifying the capacity ~~in gallons~~ of every container or tank installed or to be installed upon the premises~~:~~;

(2) If the applicant intends to repair or replace motor vehicle tires at the licensed location, the application shall also include a copy of the tire disposal contract required by Section 4-108-111. The department of streets and sanitation shall make available to licensees, upon request, a list of recycling services available in the city.

~~No license shall be issued under this chapter unless the premises identified in the license application has been inspected by the fire department to determine compliance with the applicable provisions of this Code.~~

SECTION 56. Chapter 4-108 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-108-032, as follows:

4-108-032 License – Investigation.

No license shall be issued under this chapter unless the premises identified in the license application has been inspected by the fire department to determine compliance with the applicable provisions of this Code.

SECTION 57. Chapter 4-108 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-108-065, as follows:

4-108-065 Self-service filling station requirements.

(a) Every licensee operating a self-service filling station shall comply with the following requirements:

(1) All self-service dispensing equipment shall be under the supervision of an attendant at all times that the establishment is open to the public.

(2) Upon request, a self-service filling station attendant shall assist an unaccompanied physically handicapped person, senior citizen or other person who is unable to safely refuel or recharge a motor vehicle.

(b) The commissioner may waive the requirements of this section for filling stations that are not open to the general public.

SECTION 58. Section 4-108-071 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-108-071 Certain persons permitted to service vehicle – Violation – Penalty.

It is unlawful for any person to dispense fuel or to provide any other service to a vehicle, or to offer to dispense fuel or <u>to</u> provide any other service to a vehicle at a filling station unless the person is the licensee of the filling station, an employee or agent of the licensee, or the operator or a passenger of the subject vehicle. Any person who violates any provision of this section shall be subject to a fine of $50.00.

SECTION 59. Section 4-108-080 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 60. Section 4-108-081 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-081 Public restroom requirement.

(Omitted text is unaffected by this ordinance)

(b) Subsection (a) of this section may be waived when any legal voters of the precinct, if any, in which the filling station is located, file in the office of the city clerk, a written consent affidavit directed to the city clerk, containing the signatures of not less than 25 percent of the legal voters registered with the board of election commissioners from the precinct. ~~A request for waiver of subsection (a) shall apply only to any filling station first opened prior to January 1, 2003. For any such station, provided a written consent affidavit was filed by December 31, 2003 and such request for waiver was denied by the city clerk, the liability pursuant to any notice of violation issued after March 9, 2005 for failure to provide the public restroom required by this section, unless otherwise adjudicated administratively or in a court of law as of March 9, 2005, shall not be determined until the city clerk has reviewed the denied request for waiver under the rules and regulations referred to in subsection (c) below.~~ The written consent affidavit shall state that "Due to public safety concerns, we request that a ~~clean~~ public restroom NOT be provided at the following address...." Notice of the filing shall be simultaneously delivered to the alderman of the ward in which the public restroom exemption is requested. For a period of 30 days after the written consent affidavit is filed, any person who signed the written consent affidavit may submit a written revocation of consent with the city clerk. After the expiration of the 30-day period, and after the city clerk or its designee has verified the legitimacy of all signatures supplied with the written consent affidavit and any revocations that may have been filed, the city clerk shall certify whether sufficient valid signatures have been filed to proceed with the waiver. Any person who knowingly makes any false statement, submits any false information or misrepresents any information required under this paragraph shall be fined not less than $500.00 per offense, or incarcerated for a period not to exceed three months, or both.

(c) In the event that, after a good faith effort, the owner or operator is unable to obtain the necessary signatures for the waiver provided for in subsection (b) above, the requirements of subsection (a) may be waived at the election of the owner or operator of the filling station is 800 square feet or less in size~~; provided, the owner or operator of a filling station structure 800 square feet or less which has a public restroom as of March 9, 2005 shall not be permitted to remove said restroom~~. The election shall be made by the owner or operator by submitting a written statement to the city clerk explaining the good faith efforts made to obtain the necessary signatures and a drawing, prepared by a licensed architect or engineer, bearing the certification of the architect or engineer that the station structure is 800 square feet or less.

~~(d) If any section, sentence or clause of this ordinance is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions.~~

~~(c)~~(d) The city clerk shall, and is hereby authorized to, (1) promulgate rules and regulations governing the filing and review of the written consent affidavit provided for herein; and (2) enter into an agreement with the board of election commissioners of the City of Chicago regarding the verification of the legitimacy of the signatures supplied with the written consent affidavit.

SECTION 61. Section 4-108-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-110 ~~Gasoline spills~~ Spills or overflows.

Provisions shall be made in filling stations, by grading driveways, raising door sills or other means, to prevent ~~gasoline~~ spills or overflows from flowing into or under buildings.

SECTION 62. Section 4-108-111 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-108-111 Proper disposal of tires.

No licensee under this chapter shall replace or repair motor vehicle tires unless the licensee maintains in effect a contract for the removal and disposal of motor vehicle tires replaced by the licensee. The contract, or proof thereof, shall be kept on the licensed premises and be made available for inspection by representatives of the city during the licensee's business hours.

SECTION 63. Section 4-108-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-130 Violation – Penalty.

~~Any~~ In addition to any other penalty provided by law, any person ~~violating~~ who violates any ~~of the~~ provisions of Article I of this chapter or any regulation promulgated thereunder shall be fined not less than ~~$200.00~~ $500.00 nor more than ~~$500.00~~ $1,000.00 for each offense. Every day ~~such~~ that a violation continues shall constitute a separate and distinct offense.

SECTION 64. Section 4-108-170 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-170 Violation – Penalty.

~~Any~~ In addition to any other penalty provided by law, any person ~~found in violation of the~~ who violates any provisions of Article II of this chapter or any regulation promulgated thereunder shall be fined not less than $500.00 ~~for the first offense and not less~~ nor more than $1,000.00 for ~~the second and~~ each ~~subsequent~~ offense~~, or shall be subject to revocation of license for any single offense~~. Each day that a violation ~~shall~~ continues shall constitute a separate and distinct offense.

SECTION 65. Section 4-108-310 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-310 Rules, regulations and standards.

The commissioner shall promulgate rules and regulations, as appropriate, to implement the terms of this ~~article~~ Article III ~~within 90 days of the effective date of this chapter~~. In determining standards for approval of vapor recovery and collection systems, the commissioner shall consider the availability of systems and their components, the ability of a system to withstand frequent use, the suitability of a system to local climate conditions, and approval of systems by other governmental agencies.

SECTION 66. Section 4-108-320 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-320 Suspension or revocation of license.

A. The commissioner may suspend or seek the revocation of the filling station license of any licensee who violates any provision of this ~~article~~ Article III or ~~the~~ any regulations ~~issued~~ promulgated thereunder in accordance with the ~~procedures established in this section~~ requirements set forth in Section 4-4-280.

(Omitted text is unaffected by this ordinance)

~~C. In situations other than those described in the foregoing subsection, the commissioner shall notify the licensee of the specific charges against him and of his right to a hearing. Notice shall be served either in person or by first class mail, return receipt requested, sent to the licensee at his place of business. If the licensee, within seven days after receipt of the notice, requests a hearing, the commissioner shall convene a hearing on the charges within 30 days after the request. The commissioner shall notify the licensee of the time, date and place of the hearing not less then ten days prior thereto. The commissioner, or his designee, shall conduct the hearing in accordance with rules and regulations promulgated for that purpose. The licensee shall have the right to examine witnesses and introduce evidence in his behalf, and may be represented by counsel. The final order in the hearing shall be in writing, and shall indicate those~~

~~charges, if any, of which the commissioner has found the licensee guilty and the penalties therefor. An order imposing a suspension may be appealed by the licensee to the appropriate court.~~

~~D. The commissioner may file charges before the department of business affairs and consumer protection seeking the revocation of license under this chapter. Following a hearing conducted in accordance with its rules, the department of business affairs and consumer protection shall determine whether revocation is warranted or a lesser penalty, if any, should be imposed.~~

SECTION 67. Section 4-108-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-108-330 Violation – Penalty.

In addition to any other ~~penalties~~ penalty provided ~~in this article~~ by law, any person who violates any provision of this ~~article~~ Article III of this chapter or ~~the~~ any regulations ~~issued hereunder~~ promulgated thereunder shall be subject to a fine of not less than ~~$100.00~~ $200.00 and not more than ~~$500.00~~ $1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 68. Chapter 4-115 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 69. Chapter 4-128 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 70. Section 4-144-270 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 71. Section 4-144-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-144-070 Permit required when – Issuance conditions.

(Omitted text is unaffected by this ordinance)

The superintendent of police shall refuse such permit to any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this state or any other jurisdiction within five years from release from penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last five years, or is ~~mentally retarded~~ intellectually or developmentally disabled. Otherwise, ~~in case he shall be~~ if the superintendent is satisfied that the applicant is of good moral character, it shall be the duty of the superintendent of police to grant such permit.

SECTION 72. Section 4-151-070 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-151-070 Insurance requirements.

The licensee shall obtain and keep current at all times throughout the duration of the license period, liability insurance for the operation of the premises described in such application or license in the aggregate amount of $1,000,000.00, issued by an insurer authorized to insure in Illinois. The insurance policy required by this section 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 at the shooting range facility at all times and, upon demand, shall produce such proof for inspection by an authorized city official. Each policy of insurance required under this section shall include a provision requiring 30 days' advance notice to the commissioner prior to termination or lapse of the policy. Failure to comply with this section 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.

SECTION 73. Section 4-151-120 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-151-120 Restricted areas.

No premises licensed under this chapter may be located, as measured from property line to property line, within 500 feet of:

(Omitted text is unaffected by this ordinance)

(c) any school, ~~day-care facility~~, park, place of worship, any premises licensed for the retail sale of liquor, children's ~~activities~~ services facility, library, museum or hospital.

SECTION 74. Section 4-152-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows;

4-152-020 License – Required.

No person shall operate or conduct any wholesale drug, chemical or paint store without first having obtained a limited business license.

In addition to a limited business license, ~~if required by chapter 4-115 of this Code,~~ a hazardous materials license shall be obtained, if required by Section 4-6-210, in conformity with the requirements of such ~~chapter~~ section before a person may operate or conduct any wholesale drug, chemical or paint store.

SECTION 75. Section 4-156-130 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 76. Section 4-156-200 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 77. Section 4-156-210 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 78. Section 4-156-220 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 79. Section 4-156-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-300 License – Required – Special requirements for establishments catering to minors.

(Omitted text is unaffected by this ordinance)

(d) A ~~special class of~~ public place of amusement license shall be required for any public resort for underage persons which is designed, used or intended to be used primarily for participation by minors in entertainment or amusement primarily involving music, music videos and dancing. Examples of such resorts shall include, but are not limited to, a dry dance hall, nonalcohol bar, "dry cabaret", "juice bar" or "teenage cabaret". ~~This class of license shall be known as a "juice bar license".~~ No ~~juice bar licensee~~ public resort for underage persons, as defined herein, may operate between the hours of 2:00 a.m. and 11:00 a.m. ~~No premises requiring a juice bar license shall~~ or be eligible for a retail liquor license under Chapter 4-60 of this Code.

(e) ~~Any~~ In addition to any other penalty provided by law, any violation of any requirement set forth in subsection (d) of this section ~~person who owns, operates or manages an establishment requiring a juice bar license without first obtaining such license shall be subject to~~ may result in revocation of all city licenses pertaining to that establishment.

(Omitted text is unaffected by this ordinance)

SECTION 80. Section 4-156-485 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-156-485 License restrictions.

No public place of amusement license shall be granted to any establishment required to be licensed in accordance with Title 4, Division 5 of the Municipal Code, ~~(excluding Chapter 4-128),~~ or in accordance with Chapter 4-228 of the Municipal Code, or to any establishment at which motor vehicles are washed, if the public place of amusement will be conducted in the same area in which the other activity licensed in accordance with the provisions of Title 4, as provided herein, is conducted.

SECTION 81. Section 4-156-500 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 82. Chapter 4-160 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 83. Chapter 4-165 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 84. Section 4-168-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows;

4-168-050 Insurance – Required.

(a) Each applicant for a bicycle messenger service license shall provide proof that the applicant and each bicycle operator engaged by him has insurance coverage in the following minimum amounts arising in any way from the issuance of the license:

(Omitted text is unaffected by this ordinance)

(b) Any insurance policy required by this section must: (i) be in a form satisfactory to the commissioner, (ii) be maintained in full force and effect at all times throughout the duration of the license period, (iii) be issued by an insurer authorized to insure in Illinois, and ~~must~~ (iv) provide that the policy will not be canceled and the amount of coverage will not be changed unless ~~60~~ 30 days' prior written notice is given to the commissioner. A single violation of this section shall result in cancellation or suspension of the license.

SECTION 85. Chapter 4-184 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 86. Section 4-188 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 87. Chapter 4-204 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 88. Chapter 4-207 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 89. Chapter 4-208 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 90. Chapter 4-209 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 91. Chapter 4-210 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 92. Section 4-212-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-212-010 Definitions.

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

"Commissioner" means the commissioner of business affairs and consumer protection or the commissioner's designee.

~~"Itinerant merchant", as used in this chapter, means a person who conducts a merchandising or service business in the city but who does not own or rent a store, loft, warehouse, yard office space, or showroom by the year or hold a year's lease on the same. If he delivers the merchandise or service he sells through a duly accredited resident agent who complies with the license requirements of this city applying to his line, he shall then not be classed as an itinerant, the yearly license of the resident agent through whom he sells entitling him to this privilege.~~ "Itinerant merchant" means any merchant who (1) occupies or leases for less than one year a fixed indoor retail space for the sale of merchandise or provision of services, including, but not limited to, seasonal stores, warehouse sales, trunk shows, estate sales, trade shows or exhibitions; or (2) occupies or leases for less than one year a fixed outdoor retail space for the sale of merchandise or provision of services, including, but not limited to, pumpkin patches and Christmas tree lots; or (3) is the organizer or sponsor of a trade show or exhibition.

~~"Organized or sponsored trade show or exhibition", as used in this chapter, means an exposition of limited duration of services or of merchandise, including artworks, arranged through an organization or entity which is primarily responsible for obtaining the space and subsidiary services participant vendors or exhibitors may require for the event. The word "sponsor" means any organization or entity which organizes or sponsors a trade show or exhibition and which is~~

~~primarily responsible for arranging to obtain the space and subsidiary services which participating vendors or exhibitors may require for such events.~~

"Trade show or exhibition" means any event of limited duration for the sale of merchandise or provision of services that is arranged by a sponsor who is primarily responsible for obtaining the space and subsidiary services that participant vendors or exhibitors may require for the event. The term "trade show or exhibition" includes, but is not limited to, art fairs, carnivals, street festivals, music festivals, consumer fairs, trade fairs, expositions or shows where merchandise or services are sold.

~~Licensed itinerant merchants who conduct their business at an organized or sponsored trade show or exhibition shall be allowed to give away free samples of food provided that the food is of a nonpotentially hazardous nature as defined in Chapter 4-8, and provided that the processor or manufacturer of the food is approved by the City of Chicago Department of Health or, if applicable, the appropriate state, county or local health department. In addition, food sampling shall be allowed for up to only four hours per day for no more than three consecutive days.~~

SECTION 93. Section 4-212-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-212-020 License – Required.

(a) No person shall ~~act as an itinerant~~ engage in the business of itinerant merchant without first ~~obtaining a~~ having obtained a license ~~so to do~~ under this chapter. ~~There shall be two classes of itinerant merchant license. A sponsor shall apply for a Class I license on behalf of each itinerant merchant who is a participant in an organized or sponsored trade show or exhibition. All other itinerant merchants shall apply individually for a Class II license.~~

(b) No ~~organized or sponsored~~ trade show or exhibition shall be permitted to take place within the city unless the sponsor of such trade show or exhibition ~~shall have~~ has first obtained ~~a~~ an itinerant merchant license under this chapter ~~for the participating itinerant merchants~~.

SECTION 94. Section 4-212-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-212-030 License – Application – Investigation –Prohibition on license issuance – Revocation.

(a) An application for any itinerant merchant license issued under this chapter shall be made to the commissioner ~~of business affairs and consumer protection~~ on forms provided by ~~him~~

the commissioner, in conformity with the general requirements of this Code relating to applications for licenses and with the specific requirements set forth in section 4-4-050.

(b) In addition to the information required under subsection (a) of this section, any applicant who is the organizer or sponsor of a trade show or exhibition shall identify the location, date(s) and time(s) of applicable trade show or exhibition and shall provide the commissioner with the following information about each merchant participating in such trade show or exhibition: (1) the merchant's full legal name; (2) the merchant's residence address and telephone number; (3) the merchant's business address and business telephone number; (4) the merchant's Illinois Retailers' Occupation Tax number; (5) the name of the business entity or entities that the merchant represents; (6) the type(s) of merchandise or service that the merchant desires to sell at the trade show or exhibition; (7) the time(s) and date(s) that the merchant will be present at the trade show or exhibition; and (8) any other information that the commissioner may reasonably require.

(c) In addition to the information required under subsection (a) of this section, the applicant for an itinerant merchant license shall provide the commissioner with the following information: (1) the applicant's Illinois Retailers' Occupation Tax number; (2) the name of the business entity or entities that the applicant represents; (3) the type(s) of merchandise or service that the applicant desires to sell; (4) the location(s) where the applicant proposes to sell such merchandise or service; and (5) any other information that the commissioner may reasonably require.

(d) In addition to the information required under subsection (a) of this section, the applicant for a produce merchant license shall provide the commissioner with the following information: (1) the applicant's Illinois Retailers' Occupation Tax number; (2) the type(s) of produce that the applicant proposes to sell; and (3) any other information that the commissioner may reasonably require.

:

~~Any sponsor that applies for any Class I license on behalf of itinerant merchant participants in the sponsor's show or exhibition shall provide the commissioner of business affairs and consumer protection as to each itinerant merchant his full legal name, street address, the city and state of his principal place of business, his Illinois Retailer's Occupation Tax License number, the firm or firms which the merchant represents, the kinds of merchandise or services he desires to sell under the Class I license, the location, times and dates of the show or exhibition, and shall further provide such identifying information as to itself which the commissioner of business affairs and consumer protection may require. Any applicant for a Class II license shall provide the street address, city and state whence he came, his Illinois Retailer's Occupation Tax license number, the firm or firms which the applicant represents, the kinds of merchandise or commodities which he desires to sell under the itinerant merchant's license, and the place where the applicant proposes to sell such merchandise or commodities.~~

(e) The commissioner ~~of business affairs and consumer protection shall~~ may investigate to ascertain whether any ~~itinerant~~ applicant for a merchant license under this chapter is a proper representative of a reliable and responsible business ~~house~~ entity, and whether the proposed sale of merchandise or commodities complies with other provisions of this Code. If the ~~director~~ commissioner finds that an applicant or licensee ~~shall have~~ has misrepresented his affiliation or authority to represent any business ~~house~~ entity or to sell such business entity's merchandise or services, or that the ~~itinerant~~ merchant or ~~the~~ business ~~house he~~ entity that the merchant represents has admitted to committing deceptive business practices, or has been convicted of or ~~pled~~ entered a plea of nolo contendere to charges of deceptive business practices in any jurisdiction or has failed to remit taxes or fees owed to the city, or that the ~~itinerant merchant~~ applicant or licensee has failed to comply with any ~~other~~ provisions of this Code ~~with respect~~ applicable to the sale of merchandise or services, the commissioner shall, as applicable, withhold or revoke the license~~;~~. ~~and in~~ In the case of ~~a~~ revocation, the commissioner may summarily revoke the license so long as ~~he~~ the commissioner provides the ~~merchant~~ licensee with an opportunity for a hearing within 24 hours after ~~the~~ such summary revocation occurs.

SECTION 95. Section 4-212-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-212-040 License – Fee.

The fee for ~~a Class I or Class II~~ an itinerant merchant license shall be as set forth in Section 4-5-010.

SECTION 96. Chapter 4-212 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-212-045, as follows:

4-212-045 Trade shows and exhibitions – Free samples of food – When authorized.

Itinerant merchants who conduct their business at a properly licensed trade show or exhibition shall be allowed to give away free samples of food at such trade show or exhibition if all of the following requirements are met: (1) such food is not a potentially hazardous food, as defined in Section 4-8-010; and (2) such food is processed or manufactured by a properly licensed entity.

SECTION 97. Section 4-212-050 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 98. Chapter 4-212 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-212-055, as follows:

4-212-055 Exemption from prohibition on outdoor operations.

Notwithstanding any language to the contrary in Section 17-3-0304, a licensee under this chapter shall not be required to conduct the business of merchant within a completely enclosed building and may conduct the business of merchant outdoors.

SECTION 99. Section 4-212-060 of the Municipal Code of Chicago is hereby amended by the deleting the language stricken through and by inserting the language underscored, as follows:

4-212-060 Violation – Penalty.

Except as otherwise provided in this chapter, ~~Any~~ any person violating any of the provisions of this chapter~~, where no specific penalty is provided,~~ or any rule or regulation duly promulgated thereunder shall be fined not less than $200.00 nor more than $500.00 for each offense. ~~Every~~ Each day ~~such violations~~ that a violation continues shall constitute a separate and distinct offense.

SECTION 100. Chapter 4-212 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-212-070, as follows:

4-212-070 Regulations.

The commissioner shall have the authority to promulgate rules and regulations necessary to implement the requirements of this chapter.

SECTION 101. Chapter 4-216 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 102. Chapter 4-220 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 103. Section 4-224-010 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 104. Chapter 4-224 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-224-021, as follows:

4-224-021 Hazardous materials – Duties – Prohibited acts.

(a) It shall be unlawful for any person licensed or required to be licensed under this chapter to fail to comply with the requirements of Section 11-4-1200 of this Code, if applicable. In addition to any other penalty provided by law, a single violation of this subsection may result in license suspension or revocation in accordance with the requirements of Section 4-4-280 of this Code.

(b) (1) Each person licensed or required to be licensed under this chapter shall keep and maintain on file, for a period of not less than three years, all written materials used to document the quantity of each hazardous chemical present at the facility, if such chemical is present at the facility in an amount that exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq., as amended. In addition to any other penalty provided by law, a single violation of this subsection may result in license suspension or revocation in accordance with the requirements of Section 4-4-280 of this Code.

(2) Upon request, the records required under subsection (b)(1) of this section shall be made available for inspection, during regular business hours or in case of emergency, by any city official charged with responsibility for enforcing this chapter.

(c) The commissioner of health, the fire commissioner, the executive director of emergency management and communications, the commissioner of business affairs and consumer protection and their respective designees are authorized: (1) to inspect, at reasonable hours or in case of an emergency, any facility licensed or required to be licensed under this chapter for the purpose of determining compliance with the requirements of this section; (2) to examine the applicable books and records of any person licensed or required to be licensed under this chapter in order to corroborate the quantities of hazardous chemicals reported or required to be reported by the owner or operator of the facility under Section 11-4-1200; and (3) to enforce the requirements of this chapter.

SECTION 105. Chapter 4-226 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 106. Chapter 4-228 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

CHAPTER 4-228
MOTOR VEHICLE REPAIR SHOPS

Article I. General Provisions

4-228-010 Definitions.

The following definitions shall apply to this chapter, unless the context clearly indicates otherwise:

(a) "Motor vehicle repair shop " or "repair shop" means any building, structure, premises, enclosure or other place, including automobile service stations, garages and motor vehicle service shops, where the business of doing repair work on or for motor vehicles, ~~the~~ replacing ~~of~~ motor vehicle parts ~~thereto,~~ or ~~the diagnosis of~~ diagnosing malfunctions of a motor vehicle is conducted in any shop, drive-in station or garage which inspects motor vehicles for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs. A motor vehicle repair shop shall also include any business, establishment or location where tires are collected, stored, maintained, altered, refabricated, disposed of, replaced, changed or repaired. Provided, however, that this definition shall not include any business operated under a certificate of authority issued under Chapter 215 of the Illinois Compiled Statutes. Provided further, that the term "motor vehicle repair shop" or "repair shop" shall not include any person set forth in subsection (c) of Section 4-228-020.

(b) "Motor vehicle" means any self-propelled device in, upon or by which persons or property are or may be transported upon public ways, except devices moved by human power or used exclusively upon stationary rails.

(c) "Repair" means any diagnosis, removal, reconditioning, maintenance, alteration, adjustment, installation or replacement of any parts, components or systems of a motor vehicle (including, but not limited to, upholstery and auto glass), but excluding any repair services which the commissioner, by regulation, determines to be minor. ~~No~~ For purposes of this chapter, no service shall be designated by the commissioner as minor, ~~for purposes of this chapter,~~ if the commissioner finds that performance of the service requires mechanical expertise, or has given rise to a high incidence of fraud or deceptive practices, or involves a part of the vehicle essential to its safe operation.

(d) "Licensee" means ~~a person licensed to engage in the motor vehicle repair business under the provisions of this article~~ any person that holds or is required to hold a license under this chapter.

(e) "Motor vehicle mechanic" means ~~a~~ any person who, for salary or wage, performs diagnosis, maintenance, repair, removal, reconditioning, adjustment, alteration, replacement or installation of any parts, systems or components of a motor vehicle (including, but not limited to, upholstery and auto glass), but excluding any repair services which the commissioner, by regulation, determines to be minor.

(f) "Person" ~~means any individual, firm, partnership, association, corporation, company or group of individuals acting together for a common purpose or organization of any kind~~ has the meaning ascribed to the term in Section 1-4-090.

(g) "Estimated price" means a written determination of the price of parts and the price of labor needed to perform offered services, including the price of teardown and assembly, if necessary.

(h) "Invoice" means a written listing of the details of the transaction between the repair shop and the customer.

(i) "Work order" means an authorization, either oral or written, on the part of the customer for the repair shop to perform a service.

(j) "Guarantee" means an obligation undertaken by a repair shop to repair a vehicle at no charge or at a reduced charge for parts or labor or both.

(k) "Warranty" means a promise made by a manufacturer that a vehicle or part will be repaired at no charge or at a reduced charge for parts or labor or both.

(l) "Place of business" means an address where repairs or service are ordinarily performed.

(m) "Commissioner" means the commissioner of the department of business affairs and consumer protection ~~of the City of Chicago~~ or the commissioner's designee.

(n) "False or secret compartment" means any enclosure that is intended and designed to be used to conceal, hide and prevent discovery by law enforcement officers of the false or secret compartment, or its contents, and which is integrated into a vehicle.

(o) "Tire facility" means any business where, at any one time, 100 or more new or used tires are collected, stored, maintained, altered, refabricated, disposed of, replaced, changed or repaired.

4-228-020 ~~Licensing provisions~~ License required.

(a) ~~No~~ Except as otherwise provided in subsection (c) of this section, no person shall own, maintain, conduct, operate or engage in the business of motor vehicle repair for

compensation within the City of Chicago, or hold himself/herself out as being able to ~~do so~~ engage in such business, or act as an agent for another who is engaged in the motor vehicle repair business~~;~~ or take custody of a motor vehicle within the City of Chicago for the purpose of repair without first ~~obtaining~~ having obtained a motor vehicle repair shop license under this chapter ~~a license from the City of Chicago to do so~~. The license issued to a motor vehicle repair shop under this chapter authorizes the licensee and all of the licensee's bona fide employees to engage in the business of motor vehicle repair shop at the location identified in the license application.

(b) *License required for each location.* If a person maintains a motor vehicle repair shop at more than one location, a license ~~is~~ shall be required for each such location. ~~The license issued to a motor vehicle repair shop authorizes the licensee and all its bona fide employees to engage in the business of motor vehicle repair.~~

~~(b)~~(c) Exclusions. The following persons are excluded from the term "motor vehicle repair shop":

(1) an employee of a motor vehicle repair shop who engages in the business of repairing motor vehicles solely by reason of his employment; or

(2) any person who is solely engaged in the business of repairing the motor vehicles of a single commercial or industrial establishment, or of the federal, state or local government or any agency thereof; or

(3) any person solely engaged in the business of repairing road building machines, farm machines, lawn machines, garden machines~~;~~ or vehicles registered as special purpose vehicles; or

(4) any person who does not work on the vehicle but only rebuilds or reconditions parts of the vehicle removed by others (i.e., after market manufacturers); or

(5) any person who engages in the business of distributing motor vehicle parts.

~~(c) Every motor vehicle repair shop shall pay the fee required by this chapter for each place of business operated by him/her within the City of Chicago and shall register with the commissioner of business affairs and consumer protection on forms prescribed by the commissioner. The applicant for a motor vehicle repair shop license shall, on his/her application, disclose the following information:~~

~~(1) The trade name, address, form of ownership of the facility and, if a corporation, the date and place of incorporation;~~

~~(2) If a corporation, the name and address of its registered agent and officers; if a partnership, the name and address of each partner; if a sole proprietorship, the name and address of the sole proprietor;~~

4-228-030 License – Application – Additional information required when.

In addition to the requirements set forth in Section 4-4-050, an application for a motor vehicle repair shop license shall also be accompanied by the following information:

(~~3~~1) A description of the motor vehicle repair facility to be licensed. Such description shall include:

(A) the number of working area stalls in the facility and square footage of the work area;

(B) the type of repair work to be conducted, i.e., motor, transmission, body, brakes, tire changing or repair;

(C) the number of motor vehicle mechanics employed at the time of application;

(D) if tires are to be collected, stored, maintained, altered, refabricated, disposed of, replaced, changed or repaired on the premises, a copy of the tire disposal contract required ~~by~~ under Section ~~4-228-024~~ 4-228-200;

(E) the number of off-street parking spaces provided for each repair bay or 300 square feet of vehicle service area, whichever is greater, or evidence that off-street parking is not required by Section ~~4-228-044~~ 4-228-220 of this Code;

(~~4~~2) A diagram of the motor vehicle repair facility to be licensed. Such diagram shall include ~~the~~:

(A) the dimensions of the building or buildings housing the repair facility;

(B) the driveway and curb cut-out locations;

(C) the location of bordering streets and alleys;

(D) the location and dimensions of working area stalls; and

(E) the location and dimensions of parking spaces;

(3) Whether the applicant intends, at any one time, to collect, store, maintain, alter, refabricate, dispose of, replace, change or repair 100 or more new or used tires at the location identified in the license application;

(4) Whether the motor vehicle repair shop will be located in a building that is used for residential purposes;

(5) Whether the motor vehicle repair shop has direct vehicle access to and from a dedicated public street through a properly permitted commercial driveway;

(6) Any other additional information that the commissioner may reasonably require.

~~(5) The application shall be signed by the applicant or his/her local authorized agent, who shall be an individual responsible for the operation of the applicant's local motor vehicle repair business;~~

~~(6) A licensee shall not use or permit to be used more than one trade name at a single location;~~

~~(7) The commissioner may, at any time, require additional information of a licensee or an applicant to clarify items on the application.~~

4-228-040 License fee.

~~(d)~~ The license fee for a motor vehicle repair shop shall be as set forth in Section 4-5-010, ~~of this Code and shall be based upon the classification of the repair work performed.~~

~~Motor vehicle repair shop licenses shall be divided into classes as follows.~~

~~Class I – This class shall be required for auto repair other than engine and body, including, but not limited to, radio glass work, upholstery, striping, car alarms, car phones, stereos, radios, the repair or changing of tires and other repairs.~~

~~Class II – This class shall be required if any of the following repair work is performed: engine work; transmission; oil changes; muffler repairs or replacements; battery replacements or battery charges; heating and air conditioning work. A Class II license shall entitle a licensee to conduct activities that may be carried out under a Class I or Class II license.~~

~~Class III – This class shall be required if any of the following repair work is performed: body work; painting; spray painting. A Class III license shall entitle a licensee to conduct activities that may be carried out under a Class I, Class II or Class III license.~~

~~(e) Each license issued pursuant to this chapter shall be posted and kept in a conspicuous place in the motor vehicle repair shop.~~

4-228-050 License issuance and renewal prohibited when.

No license shall be issued under this chapter:

(1) unless the commissioner and zoning administrator inspect the motor vehicle repair shop to determine compliance with the provisions of this chapter and the Chicago Zoning Ordinance, respectively, as required under Section 4-228-500(a).

(2) unless the applicant provides proof of compliance with the parking space requirements set forth in Section 4-228-310; provided, however, that this requirement shall only apply if (i) the applicant is seeking to obtain a license under this chapter for the first time; and (ii) no establishment meeting the definition of a motor vehicle repair shop is currently licensed to operate at the location identified in the license application;

(3) unless the applicant provides proof of compliance with the fire resistance separation requirements set forth in Section 4-228-320; provided, however, that this requirement shall only apply if the motor vehicle repair shop will be located in a building used for residential purposes;

(4) unless the applicant provides proof of direct vehicle access to and from a dedicated public street through a properly permitted commercial drivway; provided, however, that this requirement shall not apply if the facility identified in the license application has been in continuous existence as a duly licensed establishment meeting the definition of a motor vehicle repair shop, under the same or different owner, since prior to June 1,1997;

(5) unless the fire commissioner inspects the facility named in the license application to determine compliance with the requirements set forth in Sections 4-228-500(c) and with any rule or regulation promulgated thereunder; provided, however, that this requirement shall only apply if the applicant meets the definition of a tire facility, as set forth in Section 4-228-010(o).

~~**4-228-021 Illegal operations – Cease and desist.**~~

~~Any person who owns, maintains, operates or engages in the business of motor vehicle repair, in violation of Section 4-228-020 herein, shall immediately cease and desist from so doing upon the service of a cease and desist order by the department of business affairs and consumer protection or the department of police. If the name and address of the owner or operator of such business can be reasonably ascertained, service of the cease and desist order shall be made by personal service or by first class mail. If personal service or service by mail cannot reasonably be made, the cease and desist order may be served by posting a copy of the order in a prominent place on the building or upon the property where such business is being conducted.~~

~~**4-228-022 Failure to comply with order – Penalty.**~~

~~Any person who, in violation of Section 4-228-020, continues to own, maintain, conduct, operate or engage in the business of motor vehicle repair following serving of a cease and desist order shall be fined not less than $200.00 nor more than $300.00 for each offense. Each day that the business continues to be operated following serving of the order shall constitute a separate and distinct offense. When any person owns, maintains, conducts, operates or engages in the business of motor vehicle repair for more than 14 days following the issuance of a cease and desist order, such person shall be fined not less than $400.00 nor more than $600.00 for each day that the business continues to be operated beyond such 14-day period. Cease and desist orders shall include a recitation of possible penalties for violation of the order.~~

~~**4-228-023**~~ **4-228-060 Presumption that motor vehicle repair business exists.**

For purposes of this chapter, there is hereby created a rebuttable presumption that a motor vehicle repair business is owned, maintained, conducted, operated or engaged in when, during any five-day period, three or more motor vehicles are repaired in, on, or about a building, structure, premises, enclosure or other place.

Article II. Legal Duties and Unlawful Acts.

~~**4-228-024**~~ **4-228-200 Proper disposal of tires**

(a) Contract for disposal of tires required. Every licensee under this chapter that collects, stores, maintains, alters, refabricates, disposes of, replaces, changes or repairs tires shall maintain in effect a contract for the disposal of tires. ~~No motor vehicle repair shop shall replace, or repair motor vehicle tires unless the motor vehicle repair shop maintains in effect a contract for the removal and disposal of motor vehicle tires replaced by such motor vehicle repair shop. The~~ Such contract shall be kept on the licensed premises ~~of the motor vehicle repair shop~~ and, upon request by any authorized city official, shall be made available for inspection by such authorized city official ~~the commissioner or the commissioner's designee or by the commissioner of the departments of health or streets and sanitation or the commissioner of business affairs and consumer protection or their designees, each of whom is authorized to enforce this section,~~ during the ~~repair shop's~~ the licensee's regular business hours.

(b) *Disposal invoices required to be maintained.* Every licensee under this chapter shall maintain all disposal invoices related to the disposal contract required under subsection (a) of this section for a period of at least one year from the date indicated on such invoices. Such disposal invoices shall include (1) the name and address of the licensed facility; (2) the number of tires disposed of; and (3) the name of the transporter of the waste tires, including the truck number or license plate number. Such disposal invoices shall be kept on the licensed premises and, upon request by any authorized city official, shall be made available for inspection by such authorized city official during the licensee's regular business hours.

(c) *Joint and several liability.* The ~~motor vehicle repair shop~~ licensee shall be jointly and severally liable with the ~~repair shop's~~ licensee's waste tire transporter and the ~~repair shop's~~

licensee's tire disposal contractor for any illegal disposal of the ~~repair shop's~~ licensee's tires by such transporter or disposal contractor.

(d) *Penalty for violation.* Any person violating any of the requirements of this section shall be subject to a fine of not less than $500.00 and not more than $2,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Repeated violations of this section or of any rule and regulation promulgated hereunder shall be grounds for injunctive relief.

4-228-205 License – Posting – Non-transferability.

(a) The license required under this chapter shall be posted in accordance with the requirements set forth in Section 4-4-210.

(b) No transfer of ownership shall be allowed on any license issued under this chapter in accordance with the requirements set forth in Section 4-4-190.

~~4-228-025~~ 4-228-210 Proper disposal of unrepairable or unclaimed vehicle and parts other than tires.

Motor vehicle repair shops shall lawfully dispose of all unrepairable or unclaimed motor vehicles and motor vehicle parts ~~which are~~ within their custody; provided, however, that the disposal of tires shall be governed by the requirements set forth in Section 4-228-025. Proof of proper disposal, in the form of a receipt, shall be maintained by each motor vehicle repair shop on the business premises of the repair shop for a minimum of one year, and, upon request by any authorized city official, shall be made available for inspection by ~~the commissioner or the commissioner's designee, or by the commissioner of the departments of health or streets and sanitation or the commissioner of business affairs and consumer protection or their designees, each of whom is authorized to enforce this section,~~ such authorized city official during the ~~repair shop's~~ licensee's regular business hours. ~~With respect to tires, the receipt shall include or be accompanied by the following information: the name and address of the motor vehicle repair shop, the date of disposal, the name and address of the disposal facility, the number of tires disposed of, and the name of the transporter of the waste tires, including the truck number or license plate number.~~

~~**4-228-030 Commissioner – Power and duties.**~~

~~In addition to the powers and duties elsewhere prescribed in this chapter the commissioner shall:~~

~~(a) Administer and enforce all provisions of this chapter;~~

~~(b) Keep records of all licenses issued, suspended or revoked;~~

~~(c) Adopt regulations not inconsistent with the provisions of this chapter, with respect to the form and content of applications for licenses; to the investigation of applicants; to the~~

~~governance of the operation of any business licensed under this chapter; and other matters incidental or appropriate to his/her powers and duties as may be necessary for the proper administration and enforcement of the provisions of this chapter. Each such regulation shall become effective ten days after notice of said regulation has been published in a newspaper of general circulation in the City of Chicago;~~

~~(d) On his/her own initiative or in response to complaints, investigate on a continuous basis and gather evidence of violations of this chapter and of any regulations adopted pursuant to this chapter, by any motor vehicle repair shop located within the City of Chicago, whether licensed or not, or by any employee, partner, officer, or member of any motor vehicle repair shop;~~

~~(e) Establish procedures for accepting complaints from the public against any motor vehicle repair shop or mechanic relating to alleged violations of this chapter or rules and regulations promulgated pursuant to this chapter. The commissioner shall investigate complaints. Such investigation may include, without limitation, the alleged financial loss to the complainant, the indication of recurring incidence of fraud or deceptive practices, or the essential nature of the service provided to the safe operation of the vehicle. The commissioner shall also have the power to assist in the settlement of disputes between complainants and licensees. The commissioner may suggest measures that in the commissioner's judgment would compensate for any damages suffered as result of an alleged violation. If the motor vehicle repair facility accepts the suggestions and performs accordingly, such fact shall be given due consideration in any subsequent disciplinary proceeding. In any such case in which a settlement is reached, a report of the facts shall be included in the licensee's record;~~

~~(f) Engage in a public information program to inform the public of their rights and remedies under this act;~~

~~(g) Publish for motor vehicle repair shops, at the discretion of the commissioner, notices of representative disciplinary hearings, orders or judgments issued or obtained by the commissioner, and suspensions or revocations of licenses. A motor vehicle repair shop shall inform the mechanics in its employ of these actions;~~

~~(h) With respect to the business of motor vehicle repair shops, have the authority to enforce the Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1, et seq., where applicable, and the rules and regulations promulgated thereunder both of which are incorporated herein by reference.~~

~~(i) Every power granted to or duty imposed upon the commissioner under this chapter may be exercised or performed in the name of the commissioner by a deputy, director or any assigned agent, subject to such conditions and limitations as the commissioner may prescribe.~~

~~**4-228-031 Remedial measures.**~~

~~(a) The commissioner may seek to enjoin any activity in violation of Sections 4-228-020 and 4-228-021. Such a remedy shall be in addition to the penalties provided in Section 4-228-022.~~

~~(b) The commissioner may order the owner or operator of a motor vehicle repair shop to immediately remove all tools, spilled oil, debris, parts, and other substances that are used to carry on a motor vehicle repair business in violation of Section 4-228-021. If the owner or operator of such a business fails to remove such materials within ten days of the issuance of the order, the commissioner may request the assistance of the department of streets and sanitation to undertake a cleanup of the premises. The owner or operator of the unauthorized business shall be liable for and billed for reasonable charges incurred in such cleanup. Service of an order upon an owner or operator pursuant to this subsection shall be accomplished in the manner described in Section 4-228-021.~~

~~(c) It is hereby declared that any business operated in violation of Sections 4-228-020 and 4-228-021 is a nuisance.~~

~~**4-228-040**~~ **4-228-215 Unlawful acts and omissions.**

It shall be unlawful for any motor vehicle repair shop to perform any of the following acts or omissions related to the conduct of the business of the motor vehicle shop, whether done by the owner of the facility, the operator of the business or by any mechanic, employee, partner, officer or member of the motor vehicle repair shop:

(a) making or authorizing in any manner or by any means whatever any statement, written or oral, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading;

(b) causing or allowing a customer to sign any work order which does not state the repairs requested or authorized by the customer, and does not state the motor vehicle's odometer reading at the time of repair;

(c) failing or refusing to give a customer a copy of any document requiring his/her signature, as soon as the customer signs such document;

(d) any ~~other~~ conduct which constitutes fraud;

(e) any conduct which constitutes gross negligence;

(f) failure to comply with the provisions of this chapter or regulations adopted pursuant to ~~it~~ this chapter;

(g) any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect, which is prejudicial to a customer, without the prior consent of the customer or his/her duly authorized representative;

(h) making false promises of a character likely to influence, persuade or induce a customer to authorize the repair, service or maintenance of motor vehicles;

(i) having repair work done by someone other than the motor vehicle repair shop without the knowledge and prior consent of the customer, unless the ~~repair shop owner~~ licensee can demonstrate that the customer could not reasonably have been notified.;

(j) installing, creating, building or fabricating any false or secret compartment in any motor vehicle. In accordance with Section 4-4-280 of this Code, any licensee who violates this subsection shall be punished for a first offense by a fine of $500.00 and shall have his license suspended for not less than seven days nor more than 14 days; a second or subsequent offense shall be punished by a fine of $1,000.00 and shall result in revocation of the license;

(k) installing or selling any muffler cutout, by-pass, straight pipe or similar device upon a motor vehicle licensed for use on public roads, or installing or selling on any motorcycle licensed for use on public roads any exhaust system or exhaust system component that is not labeled in accordance with Section 205.169 of Title 40 of the Code of Federal Regulations, indicating that the exhaust system or exhaust system component meets federal noise emission requirements for that model of motorcycle. For purposes of this subsection (k), the term "straight pipe" includes a muffler without baffles or any other noise inhibiting device. ~~This subsection may be enforced by the commissioner of business affairs and consumer protection.~~

Where the motor vehicle repair shop cannot show there was bona fide error, the commissioner of business affairs and consumer protection may recommend to the mayor the suspension or the revocation of a motor vehicle repair shop license for any of the aforementioned acts or omissions.

~~4-228-044~~ 4-228-220 ~~Required~~ Off-street parking –Required when.

Any person who is seeking for the first time to obtain a license to own, maintain, conduct, operate or engage in the business of motor vehicle repair for compensation within the City of Chicago at a location where no ~~motor vehicle repair shop~~ no establishment meeting the definition of a motor vehicle repair shop is currently licensed to operate shall be required to provide two parking spaces for each repair bay or 300 square feet of vehicle service area, whichever is greater.

~~4-228-045~~ 4-228-225 Prohibited activities – Public ways.

~~Prohibition relating to use of the public way.~~ No motor vehicle repair shop shall be operated or maintained in such a way that the shop, or any vehicle being repaired therein, or any materials associated therewith, are located or placed upon the public way. If the commissioner ~~of business affairs and consumer protection~~ finds or is notified by an alderman or another department

or agency of the city that a licensee has violated this section on three different days within a 12-month period, the commissioner shall immediately and without exception seek revocation of the motor vehicle license.

At any revocation hearing conducted pursuant to Section 4-4-280 of this Code, the license commissioner appointed by the mayor or any other hearing officer designated by the mayor shall limit their factual findings to determining: (1) the number of times, if any, the licensee violated this section; and (2) the dates on which those violations occurred. Neither the seriousness of the offense nor the existence of any mitigating factors shall be considered or reported to the mayor. If the commissioner of business affairs and consumer protection or hearing officer finds that the licensee violated this section of the Code on three different days within a 12-month period, the mayor shall revoke the motor vehicle repair license.

Each object placed upon the public way in violation of this section shall constitute a separate and distinct offense. Each offense shall be punishable by a fine of $200.00 for each offense.. Under no circumstances shall any administrative law officer appointed pursuant to Chapter 2-14 of this Code combine, consolidate, cumulate or otherwise reduce any fine authorized by this section.

~~4-228-046~~ 4-228-230 **Prohibited – Residential buildings.**

No motor vehicle repair shop shall be located in any building that is used for residential purposes, unless the motor vehicle repair shop portion of the building is separated vertically and horizontally from the residential use by materials providing at least four hours of fire resistance, as required under Section 13-56-280 of this Code. Nothing ~~on~~ in this section is intended or shall be construed to allow a motor vehicle repair shop to operate in violation of any other applicable provision of this Code.

~~4-228-047~~ 4-228-235 ~~**Frontage and driveway requirement**~~ **Direct vehicle access to a public street – Required when.**

A motor vehicle repair shop license shall not be issued under this chapter unless the premises for which a license is sought: ~~(i) has frontage of not less than 25 feet on a dedicated public or private street and~~ has direct vehicle access to and from a dedicated public street through a commercial driveway for which a valid permit has been issued in accordance with Chapter 10-20 of this Code; or (ii) was duly licensed as ~~a motor vehicle repair shop~~ an establishment meeting the definition of a motor vehicle repair shop prior to ~~the effective date of this ordinance~~ June 1, 1997.

~~4-228-050~~ 4-228-245 **Misrepresentation of quality of parts.**

(a) It ~~is hereby declared to~~ shall be unlawful ~~a misdemeanor~~ for any motor vehicle repair shop to represent any part as defective if such part is not defective ~~and~~ or to knowingly charge customers for unnecessary replacement parts.

(b) ~~The~~ It shall be unlawful for the owner or operator of a motor vehicle repair shop ~~shall present~~ to fail to give advance written notice to all customers as to the state of any and all parts which are recommended for replacement.

(c) Any person found in violation of this section shall be subject to a fine of $500.00, or imprisonment for ~~up to~~ a period not to exceed six months, or both ~~such fine and imprisonment~~, for each offense.

~~4-228-060~~ 4-228-250 Work requiring customer authorization – Estimates.

No work for compensation shall be commenced and no charges shall accrue without specific authorization from the customer in accordance with the following requirements:

(a) Every ~~repair~~ motor vehicle repair shop ~~facility~~ shall give to each customer a firm price or a written estimated price for labor and parts for a specific repair, including an estimate of the time necessary to complete the repair, and shall not charge for repair work done or parts supplied in excess of ten percent or $15.00, whichever is less, of the estimated price without oral or written consent of the customer. Such consent shall be obtained after it is determined that the estimated price is insufficient and before the work estimated is done or parts estimated are supplied. If such consent is oral, the repair shop shall make a notation on the work order and on the invoice of the date, time, name of person authorizing the additional repairs, and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost. The repair shop shall obtain the customer's consent before any additional work not estimated is done or parts not estimated are supplied.

(b) The motor vehicle repair shop shall include, with the written estimated price, a statement of any automotive repair service which, if required to be done, will be done by someone other than the repair shop. No service shall be done by someone other than the original repair shop without the consent of the customer, unless the customer cannot reasonably be notified. The repair shop shall be responsible, in any case, for any such service in the same manner as if said repair shop had done the service.

(c) ~~In the event that~~ If it is necessary to disassemble, or partially disassemble, a vehicle or vehicle component in order to provide the customer with a written estimate for required repair or maintenance, the estimate shall show the cost of reassembly in the event the customer elects not to proceed with the repair or maintenance of the vehicle. The estimate shall also include the cost of parts and necessary labor to replace those expendable items, such as gaskets, seals and O rings, which are normally destroyed by such disassembly. ~~In the event that~~ If the act of disassembly might prevent the restoration of the same unit to its former condition, the repair shop shall fully inform the customer of that fact in writing on the estimate to tear it down, inspect and report before any disassembly begins. The repair shop shall prepare a written estimated price for labor and parts necessary for the required repair or maintenance. The customer's authorization to proceed with such repair or maintenance shall be obtained in accordance with all laws and regulations applying to a written estimated price for a specific job.

(d) If a repair shop as provided an itemized estimate of repairs which lists parts to be supplied and labor operations to be performed, and if such repairs have been authorized, no change will be made in the method of repair or parts supplied without the authorization of the customer. The repair shop shall document such authorization by recording on the repair order and on the invoice the date, time, name of customer, and telephone number called, if any, together with a description of the charges authorized and any change in price.

(e) When the customer is unable to deliver the motor vehicle to the repair shop during business hours and the customer has requested the repair shop to take possession of the motor vehicle for the purpose of repairing or estimating the cost of repairing the motor vehicle, the repair shop shall not undertake the diagnosing or repairing of any malfunction of the motor vehicle for compensation unless such repair shop has complied with all of the following conditions:

(1) The repair shop has prepared a written estimate of the price for labor and parts necessary to repair the motor vehicle; and

(2) By telephone or otherwise, the customer has been given all of the information on the written estimate and the customer has approved the written estimate; and

(3) The customer has given his/her oral or written authorization to the repair shop to make the repairs pursuant to the written estimate.

If such authorization is oral, the repair shop shall make, on both the written estimate and the invoice, a notation of the name of the person authorizing the repairs, the date, the time, and the telephone number called, if any. Any charge for parts or labor in excess of the original estimate must be separately authorized by the customer as provided in Section ~~4-228-060(d)~~ 4-228-250(d) of this chapter.

(f) After receiving the estimate, the owner or his/her agent may either authorize the repairs at the estimate of cost and time, request return of the motor vehicle in a disassembled state, or assembled in reasonably the same condition as when released to the licensee, in which case the licensee shall make the motor vehicle available for possession within three working days from the time of request, and the licensee shall receive payment for only those items on the schedule of charges to which he/she is entitled. If authorization of an estimate of total charges for repairs and an estimate of time to complete repairs is made by telephone, the licensee shall record in writing on the work order or invoice the date, time, name of the person authorizing the repairs and the telephone number called together with a list of parts, labor and the total cost.

(g) Should the licensee be unable to complete the repairs in the time estimated, he/she shall notify the owner or his/her agent of this fact, after which notification the owner or his/her agent may request return of the motor vehicle in either an assembled or disassembled state, in which case the licensee shall make the motor vehicle available for possession within three

working days from the date of request and the licensee shall receive payment for the work actually done and those items on the schedule of charges to which he/she is entitled.

(h) A customer may waive the right of written estimate if such waiver is voluntary and without coercion by the licensee. A motor vehicle repair shop or anyone in its employ shall not make use of the waiver in an attempt to evade this chapter or the regulations promulgated hereunder. Nothing in this section shall be construed as requiring a motor vehicle repair shop to give a written estimated price if the repair shop does not agree to perform the requested repair.

(i) A motor vehicle repair shop shall not intentionally make repairs upon a motor vehicle which are not necessary to correct the malfunction for repair of which its services were sought. A repair shop shall not represent that it has performed work or replaced parts on a motor vehicle when said shop has not performed the work or replaced the parts.

(j) Upon request of the customer at the time the work order is taken, the motor vehicle repair shop shall return replaced parts to the customer upon the completion of the work, except such parts as the motor vehicle repair shop is required to return to the manufacturer or distributor under a written warranty or exchange agreement. If such parts must be returned to the manufacturer or distributor, the repair facility, at the time the work order is taken and request made, shall offer to show, and upon acceptance of such offer or request shall show, such parts to the customer upon completion of the work, except that the repair shop shall not be required to show a replaced part when no charge is being made for the replacement part.

(k) Those parts and components that are replaced and that are sold on an exchange basis are exempt from the provisions of Section ~~4-228-060(j)~~ 4-228-250(j) of this chapter requiring the return of replaced parts to the customer, provided the customer is advised said parts are not returnable in writing on the estimate and/or invoice. When a request is made prior to commencement of the work, the repair facility shall provide a reasonable opportunity to the customer to inspect the part that is to be repaired or replaced.

(l) (1) All motor vehicle repair shops shall give all prospective customers an estimated price quotation or the option to waive the price quotation by completing the following statement with the customer's signature:

> You are entitled to a price estimate for the repairs you have authorized. The repair price may be less than the estimate, but will not exceed the estimate by more than ten percent or $15.00, whichever is less, without your consent. You may waive your right to a written estimate and require that you be notified if the price exceeds an amount you have specified.
>
> You may waive your right to an estimate which gives the repair shop the right to set the price without your permission.

Your signature will indicate your selection.

(a) I request an estimate in writing before you begin repairs.

Signature _____

(b) Please proceed with repairs but call me for approval before continuing if the price exceeds $_____

Signature _____

(c) I do not want an estimate and you may set the price of repairs.

Signature _____

Date _____

Time _____

This estimated price for authorized repairs will be honored if the motor vehicle is delivered to the shop within ten days.

(2) A customer shall be informed of his/her right to receive or see replaced parts as provided in this section prior to the customer executing any document or engaging the facility or mechanic for the work. The information shall be given to the customer on the face of any contract, work order form, or other document evidencing the engagement of the facility or by separate written document, in at least 14-point boldface type, as follows:

> You are entitled by law to the return of all parts replaced, except those which are too heavy or large, and those required to be sent back to the manufacturer or distributor because of warranty work or an exchange agreement. You are entitled to inspect the parts which cannot be returned to you.

(3) All motor vehicle repair shops shall give customers the choice of receiving replaced parts by including on all estimate forms the following statement:

> I request the return of parts replaced.
>
> I do not want replaced parts returned to me.

The above statement shall be in 14-point or larger bold capital typeface and executed with one legible copy to the customer requesting repairs.

(m) The invoice shall show the repair shop's license number and the corresponding business name, address, the date of the invoice, the date the vehicle was presented to the repair ~~shop~~ for repair or servicing, the odometer reading on the vehicle at the date it was left with the repair shop, the odometer reading at the time the invoice was prepared, a promised date of delivery, if any such date was given, the name of the customer, the description of the vehicle and the terms and time limit of any guarantee for the repair work performed. In addition the invoice shall describe all repair work done by a motor vehicle repair shop, including all warranty work, and shall separately identify each part supplied in such manner that the customer can understand what was purchased, including the name of the manufacturer of such parts and the total price charged for all parts and labor. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if applicable, to each. The name of any distributor giving a warranty of 90 days or more and/or 3,000 miles may be recorded on the invoice in lieu of the name of the manufacturer of the parts. If any used, rebuilt or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, the invoice shall clearly state that fact. A legible copy of such invoice shall be given to the customer and a legible copy will be retained by the motor vehicle repair shop for a period of two years from the time of repair as a part of the repair shop's records.

(n) A motor vehicle repair shop shall not perform any services not authorized by the customer by a work order. If a repair shop prepares a written work order, a legible copy <u>of such order</u> shall be given to the customer. If a written work order is prepared by the customer, such work order shall be attached to the invoice. If the customer gives an oral work order, the oral work order shall be noted on the invoice and shall include the date, time, manner of authorization, telephone number called, if any, and by whom such authorization was given. For the purposes of this section, the standard work order agreement provisions are as follows:

(1) Authorization of repairs to be made;

(2) Permission to operate the motor vehicle;

(3) Acknowledgment of mechanic's lien to secure amount of repairs;

(4) Limitation on liability for loss or damage, if any.

(o) All repair work performed by the motor vehicle repair shop and all parts used to perform such repairs shall be warranted for a minimum of 90 days and/or 3,000 miles or there shall be a statement on the estimate and invoice to the effect that the work performed or parts supplied by the motor vehicle repair shop are not warranted for said period.

(1) If a ~~license~~ licensee provides a warranty on repair parts and labor, ~~he/she~~ such licensee shall put ~~it~~ such warranty in writing and give a legible copy of the warranty to the customer. The customer's copy of the warranty must contain:

(A) the nature and extent of the warranty, including a description of parts or service included or excluded from the warranty;

(B) the duration of the warranty and requirements to be performed by warrantee before the warrantor will fulfill the warranty;

(C) all conditions, limitations and the manner in which the warrantor will fulfill the warranty, such as repair, replacement or refund;

(D) any options of the warrantor or warrantee; and

(E) the warrantor's identity and address.

(2) When repair or diagnostic work is performed pursuant to a warranty, a licensee shall give an estimate of time to complete the repairs as required in Section ~~4-228-060(a)~~ 4-228-250(a) of this chapter.

(3) The customer shall be furnished with all warranty information as required by the Federal Magnuson-Moss Warranty – Federal Trade Commission Improvement Act (15 U.S.C. Section 2301, et seq.) and regulations issued pursuant to said Act.

(4) It shall be a violation of this section if a licensee fails to honor any warranty or refuses to perform repairs which are covered by warranties provided pursuant to this chapter.

(p) A motor vehicle repair shop shall operate a customer's vehicle while in its possession only in accordance with the directions of the customer or as is necessary to repair or road test the vehicle.

(q) Other than the disclosures and statements required by this chapter, if any other preprinted provision is stipulated on a document which the customer signs, it must be no smaller than eight point type. If any provisions appear on a side other than that which the customer signs a notice must appear just above the customer's signature calling attention to additional terms and conditions and their location on the document.

(r) (1) Before taking custody of a motor vehicle, the licensee or his/her agent shall provide the owner or his/her agent with a written itemized schedule of charges, if such charges are made, to include the following items:

(A) Charges for making an estimate of repairs;

(B) Total charges for release of the motor vehicle in reasonably the same condition as when delivered to licensee if repairs are not made;

(C) Total charges for release of the motor vehicle in a disassembled state if it is not repaired;

(D) Towing charges;

(E) Storage charges;

(F) Itemized list of all other charges, other than those included in the estimate.

(2) Written estimates must indicate the hour labor charge and how it is computed; i.e., by clock hours or flat rate. If flat rate, the manual used must be specified. However, a repair shop may utilize a job rate which covers both labor and parts, provided a list of parts is included in the estimate and invoice. If flat rate time is used, the customer shall be shown relevant time rates as listed in the manual, on request.

(3) Except for the estimated price, a licensee shall not charge a person for a service not recorded on the schedule of charges. The licensee shall retain one copy of the schedule of charges signed by the motor vehicle owner or his/her agent for a period of two years.

(4) If the motor vehicle is brought to a licensee's establishment by a towing service which is either an agent of the motor vehicle owner or an agent of the licensee, and there is no opportunity for the licensee to present a schedule of charges to the owner before taking custody, the licensee shall provide, either in writing or by telephone, a schedule of charges at the time of giving the estimate of repairs.

(5) Upon reasonable notice a customer may remove a vehicle from a repair shop, during the repair shop's business hours, upon paying for:

(A) Labor actually performed;

(B) Parts actually installed;

(C) Parts ordered specifically for the customer's car if the order is not cancelable or the parts not returnable for cash or credit;

(D) Storage charges imposed in accordance with the schedule of charges.

(6) A customer has the right to inspect his/her vehicle before paying for repair work. The inspection must be on the premises of the repair shop. Nothing in this chapter shall be construed as allowing a customer to remove his/her car from the premises of the repair shop before paying the bill.

~~4-228-070~~ 4-228-255 Maintenance of records – Advertising requirements.

(a) Each motor vehicle repair shop shall maintain copies of estimates, work orders, invoices, parts purchase orders, appraisals and schedules of charges prepared by that repair shop. Such copies shall be kept for two years and shall be available for inspection by the commissioner ~~of business affairs and consumer protection or his/her designee~~ during ~~all~~ the shop's business hours.

(b) A licensee shall disclose in any published or broadcasted advertisement relating to motor vehicle repair the following information:

(1) The name of the licensee, as shown on the license;

(2) The street address of the motor vehicle repair shop;

(3) If a repair shop does not perform repairs on motor vehicles but takes custody of motor vehicles and contracts all repairs to another, it must so state this fact.

(c) An advertisement by a licensee of a warranty which provides for adjustment on a pro rata basis shall conspicuously disclose the basis on which the warranty will be prorated.

(d) No motor vehicle repair shop shall publish, utter or make or cause to be published, uttered or made any false or misleading statement or advertisement which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading. In determining whether any advertisement, statement or representation is false or misleading, it shall be considered in its entirety as it would be read or heard by persons to whom it is designed to appeal. An advertisement, statement or representation shall be considered to be false or misleading if it tends to deceive the public or impose upon credulous or ignorant persons.

~~4-228-080~~ 4-228-260 Signage – Display.

~~All~~ In addition to posting the motor vehicle repair ~~shops~~ shop's license, as required under Section 4-228-210, all motor vehicle shops shall display the following:

~~(a) a current and valid motor vehicle repair shop license issued in accordance with provisions of this Chapter 4-4 of the Municipal Code of the City of Chicago shall be displayed in a place and manner conspicuous to their customers;~~

(~~b~~a) an official motor vehicle repair shop sign, which meets the specifications ~~of this chapter and pursuant to~~ set forth in Section 4-228-355 and any regulations promulgated

thereunder, shall be displayed in a place and manner conspicuous to their customers. An official motor vehicle repair shop sign shall be distributed to all new licensees by the department of business affairs and consumer protection. ~~Other licensees may obtain replacement signs from the department of business affairs and consumer protection at a cost of $5.00 per sign~~. All questions regarding the proper locations and display of the motor vehicle repair shop sign may be submitted to the commissioner for determination; and

(~~c~~b) a sign which measures at least 8 1/2 by 14 inches, describing how labor charges are computed at the motor vehicle repair shop. This sign may also show the shop's hourly labor charge. This sign will be posted next to the official motor vehicle repair shop sign. The repair shop shall supply the sign. A mobile unit shall have the labor charge sign firmly affixed to the outside of the mobile unit in such a manner that it is visible to pedestrians.

~~4-228-090~~ 4-228-265 Signage – Requirements.

Official motor vehicle repair shop signs shall comply with the following specifications:

(a) signs shall be worded exactly as shown in Figure 4-228-090 and shall be printed in English and Spanish;

(b) signs shall measure at least 24 inches in height and at least 18 inches in width;

(c) the background shall be white. All print, border stripes and divider stripes, including the City Seal, shall be black in color;

(d) upper case lettering on the sign shall be in 36-point Helios. Lower case lettering on the sign shall be in 24-point Helios. The introduction and the department's address and phone number shall be in bold face type;

(e) a two and one-eighth inch diameter City Seal is required; and there shall be a one-quarter inch mounting hole in each corner;

(f) the department of business affairs and consumer protection may require replacement of any sign which fails to meet the outlined specifications or which is not readily legible.

Figure 4-228-090

(Seal)

This establishment is licensed by the City of Chicago.

In accordance with Chapter 4-228 of the Municipal Code of Chicago, a customer is entitled to:

(1) A written estimate for repair work. Read your estimate carefully.

(2) A detailed invoice of work done and parts supplied.

(3) Charges which do not exceed ten percent or $15.00 over the estimated price, unless you have given permission.

(4) Return of replaced parts, excluding warranty and exchange parts, if requested in writing at the time a work order is placed.

(5) A statement on your invoice that all repair work and parts used are warranted for a minimum of 90 days and/or 3,000 miles, or a statement on your invoice that the work and parts are not warranted for that amount.

(6) The right to inspect the vehicle before payment.

(7) The right to state in writing any problem you notice which is directly related to the repair work performed.

(8) If a warranty is given, the right to return the vehicle for corrections of problems directly associated with the repair work within the warranty period or ten days, whichever is greater.

(9) Questions concerning the above should be directed to the manager of this repair facility.

(10) Unresolved questions regarding service work may be directed to the:

Department of Business Affairs and
Consumer Protection by calling 311

or by filing a complaint with 311 on line through www.cityofchicago.org.

~~4-228-095~~ 4-228-270 **Health and sanitation requirements.**

No person, ~~being~~ including, but not limited to, the owner, proprietor, lessee, manager or superintendent of any motor vehicle repair shop shall cause, permit or allow ~~the same~~ such shop or any portion of such shop to be overcrowded or inadequate, faulty or insufficient in respect of light, ventilation, heat and cleanliness. Fresh air shall be supplied by ventilation in accordance with the building provisions of this Code.

All such places of employment or service shall be kept in a clean condition and free as far as practicable from all gases, vapors, dust or other impurities generated by manufacturing processes or the operation of motors or other machinery, or otherwise, which are injurious to health.

Lockers for workmen's clothing shall be of metal.

~~4-228-096~~ 4-228-275 **Towing operations.**

(a) All licensees ~~engaged in the towing of~~ that tow disabled motor vehicles shall comply with Chapter 9-44 of this Code and the rules and regulations promulgated thereunder.

(b) In addition to the vehicle marking requirements set forth in Chapter 9-44, all licensees shall also display their motor vehicle repair shop license number on each side of the cab in letters, in contrasting color, that are not less than two inches in height.

~~**4-228-100 Inspection – License revocation.**~~

~~The commissioner of business affairs and consumer protection and the zoning administrator shall inspect motor vehicle repair shops to determine compliance with the provisions of this chapter and for compliance with the Chicago Zoning Ordinance, respectively. Except as otherwise provided in this chapter, upon evidence of violation by any facility, the commissioner or the zoning administrator may recommend the revocation of the motor vehicle repair shop license to the mayor, who may revoke the license of the licensee concerned in the manner prescribed by law.~~

~~**4-228-110 Violation – Penalty.**~~

~~Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this chapter or regulations promulgated hereunder, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than $200.00 nor more than $300.00 for the first offense and not less than $200.00 nor more than $500.00 for the second and each subsequent offense in any 180-day period. Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration in the County Jail for a term not to exceed six months, in a separate proceedings. A separate and distinct offense shall be regarded as~~

~~committed each day upon which each person shall continue any such violation, or permit any such violation to exist after notification thereof.~~

~~4-228-120~~ 4-228-280 Ball joint assemblies – Inspection, sale and installation.

This section applies to the inspection, sale and installation of ball joints, which for the purpose of this chapter are defined as ball-and-socket assemblies designed to carry the vertical and horizontal stresses in the front suspension system of a motor vehicle while permitting steering and suspension movement. All motor vehicle repair shops engaged in the sale and installation of ball joints shall be subject to the following requirements:

(1) Except as set forth in subsections (5) and (6) of this section, any determination that a ball joint is worn or loose shall be made with an instrument specifically designed and manufactured for measurement of ball joint wear or looseness.

(2) The instrument required by subsection (1) of this section shall be used, calibrated and maintained in accordance with the instructions issued by its manufacturer. The manufacturer shall be an original equipment manufacturer or a manufacturer who is generally known within the automotive repair industry as a supplier of such instruments.

(3) The measurement of wear or looseness of a ball joint shall be stated in thousandths of an inch (.001) or in millimeters, whichever is appropriate to the vehicle and to the specifications of the original equipment manufacturer or of the replacement parts manufacturer.

(4) If a ball joint is sold and installed, the degree of wear or looseness of the ball joint being replaced must be recorded on the customer's invoice in accordance with subsection (3) of this section. The maximum allowable wear or looseness permitted by the original manufacturer must be stated.

(5) If a ball joint is equipped with an integral means of measuring wear or looseness, such measurement shall be made and reported in accordance with the manufacturer's directions.

(6) A ball joint that has been manufactured with a means of manual adjustment to compensate for wear shall be adjusted in accordance with the instructions of the manufacturer.

(7) The foregoing requirements are not to be construed as prohibiting the sale and installation of ball joints when the sale and installation are made with the consent of the customer, provided that a full disclosure of the requirements of this section is made to the customer.

~~4-228-130~~ 4-228-285 Rebuilding of automatic transmissions.

The following minimum requirements specifying accepted trade standards for good and workmanlike rebuilding of automatic transmissions are intended to define terms that have caused confusion to the public and unfair competition within the automotive repair industry. These minimum requirements shall not be used to promote the sale of "rebuilt" automatic transmissions

when a less extensive and/or costly repair is desired by the customer. Any automotive repair shop which represents to customers that the following provisions require the rebuilding of automatic transmissions is subject to the sanctions prescribed in Section ~~4-228-110~~ 4-228-415 of this chapter.

All motor vehicle repair shops engaged in the repair, sale and installation of automatic transmissions in vehicles covered under this chapter shall be subject to the following minimum requirements:

(1) Before an automatic transmission is removed from a motor vehicle for purposes of repair or rebuilding, it shall be inspected. Such inspection shall determine whether or not the replacement or adjustment of any external part or parts will correct the specific malfunction of the automatic transmission, or if the transmission modules are malfunctioning. A pressure test must also be performed before the transmission is removed from the vehicle. If minor service and/or replacement or adjustment of any external part or parts and/or of companion units can reasonably be expected to correct the specific malfunction of the automatic transmission, then prior to removal of the automatic transmission from the vehicle, the customer shall be informed of that fact as required by Section ~~4-228-060~~ 4-228-250 of this chapter.

(2) When the word "exchange" is used with any of the following expressions, it shall mean that the automatic transmission is not the customer's unit that was moved from the customer's vehicle. An automatic transmission shall be described by a word such as "rebuilt", "remanufactured", "reconditioned" or "overhauled", and by any expression of like meaning, only if the following work has been done since the transmission was last used:

(a) all internal and external parts, including case and housing, have been thoroughly cleaned and inspected;

(b) the valve body has been disassembled and thoroughly cleaned and inspected;

(c) all front and intermediate bands have been replaced with new or relined bands;

(d) all the following parts have been replaced with new parts:

lined friction plates;
internal and external seals;
metal sealing rings that are used in rotating applications;
gaskets;
organic media disposable-type filters (if the transmission is so equipped);

(e) all impaired, defective or substantially worn parts not mentioned above have been restored to a sound condition or replaced with new, rebuilt or unimpaired parts. All measuring and adjusting of such parts have been performed as necessary.

(3) The torque converter is considered to be a part of the automatic transmission and shall be examined, cleaned and made serviceable before the rebuilt transmission is installed. If the torque converter cannot be restored to a serviceable condition, then the customer shall be so informed. With the customer's authorization, the converter shall be replaced with a new, rebuilt or unimpaired used torque converter.

4-228-290 Use of trade names.

No license under this chapter shall use or permit to be used more than one trade name at a single location.

4-228-295 Notification of disciplinary action to mechanics.

If a licensee under this chapter is notified by the commissioner to appear at a disciplinary hearing, or the commissioner issues or obtains an order or judgement directed at or against such licensee, or such licensee's license under this chapter is suspended or revoked by the commissioner, such licensee shall notify, in writing, all of the motor vehicle mechanics employed by such licensee at the applicable licensed facility of such fact(s).

~~**4-228-140 Constitutionality.**~~

~~If any provision, clause, sentence, paragraph, section or part of this chapter, or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency or circumstance involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included.~~

4-228-300 Hazardous materials – Duties – Prohibited acts.

(a) It shall be unlawful for any person licensed or required to be licensed under this chapter to fail to comply with the requirements of Section 11-4-1200 of this Code, if applicable. In addition to any other penalty provided by law, a single violation of this subsection (a) may result in license suspension or revocation in accordance with the requirements of Section 4-4-280 of this Code.

(b) (1) Each person licensed or required to be licensed under this chapter shall keep and maintain on file, for a period of not less than three years, all written materials used to

document the quantity of each hazardous chemical present at the motor vehicle repair shop, if such chemical is present at the shop in an amount that exceeds the threshold level for reporting as established by regulations promulgated under Title III of the Superfund Amendments and Reauthorization Act of 1986, codified at 42 U.S.C. 11001, et seq., as amended. In addition to any other penalty provided by law, a single violation of this subsection may result in license suspension or revocation in accordance with the requirements of Section 4-4-280 of this Code.

(2) Upon request, the records required under subsection (b)(1) of this section shall be made available for inspection, during regular business hours or in case of emergency, by any city official charged with responsibility for enforcing this chapter.

(c) The commissioner of health, the fire commissioner, the executive director of emergency management and communications, the commissioner of business affairs and consumer protection and their respective designees are authorized: (1) to inspect, at reasonable hours or in case of an emergency, any motor vehicle repair shop licensed or required to be licensed under this chapter for the purpose of determining compliance with the requirements of this section; (2) to examine the applicable books and records of any person licensed or required to be licensed under this chapter in order to corroborate the quantities of hazardous chemicals reported or required to be reported by the owner or operator of the shop under Section 11-4-1200; and (3) to enforce the requirements of this chapter.

Article III. Tire Facilities

4-228-305 Tire Facilities – Standards.

(a) Requirements. Every licensee under this chapter that is a tire facility, as defined in Section 4-228-010, shall adhere to the following requirements:

(1) Tire facilities located within a structure shall adhere to the following requirements:

(i) Every building which houses a tire facility is hereby classified as a Class H storage unit pursuant to Section 13-56-170 of the Municipal Code. All structures in which tire facilities are located shall be subject to the height and area limitations of Chapter 13-48 of the Municipal Code;

(ii) Facilities where tires are stored below grade shall comply with Section 15-16-030(b) of the Municipal Code;

(iii) Smoking shall be prohibited in the room or other enclosure where the tires are stored or disposed of, and appropriate signs indicating the prohibition shall be posted;

(iv) The interior of all structures used for tire storage shall be secured against unauthorized access;

(v) All tires shall be stored no less than ten feet from any heat producing appliance;

(vi) Tires shall be stacked on a level surface, with no less than three feet in clearance from the top of stackage to any sprinkler, fixtures, structural support, ceiling or roof. Aisles shall be no less than four feet wide. Except for tire storage on metal racks approved under N.F.P.A. Standard 231D, Storage of Rubber Tires, tires shall be stacked in piles no longer than 25 feet and no wider than ten feet.

(2) Tire facilities located on any open site shall adhere to the following requirements:

(i) Tires shall be stacked, in an orderly manner, in piles not to exceed 25 feet in height;

(ii) Individual piles shall be separated by a distance of ten feet. No pile shall be closer than four feet to any building. No pile covering a total ground area greater than 100 square feet shall be located closer than 25 feet to a lot line, unless in the determination of the commissioner or his designee a greater or lesser setback is required or sufficient for fire prevention purposes. A greater or lesser setback may be imposed by regulation in accordance with the Section 4-228-510 herein;

(iii) Each such facility shall be enclosed by a noncombustible fence, six feet high with not less than two gates, unless bounded by a cement abutment, river, or other body of water. The area around or within the tire piles shall be kept free of rubbish, weeds, grass, or other growth. No oil or other flammable liquid shall be permitted to accumulate on the area around or within the piles. No flame cutting or welding operation shall be conducted within 25 feet of any pile of tires.

(b) *Exceptions.* The requirements of subsections (2)(i), (ii) and (iii) herein shall not apply to the legal disposal of tires at a state or city permitted landfill.

(c) *Penalty for violation.* Any person violating any of the requirements of this section shall be subject to a fine of not less than $500.00 and not more than $2,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Repeated violations of this section or of any rule and regulation promulgated hereunder shall be grounds for injunctive relief.

4-228-307 Hazardous materials – Duties – Prohibited acts.

It shall be unlawful for any person licensed or required to be licensed under this chapter to fail to comply with the requirements set forth in Section 4-228-300.

Article IV. Enforcement

4-228-400 Inspections.

(a) The commissioner and zoning administrator shall inspect motor vehicle repair shops to determine compliance with the provisions of this chapter and for compliance with the Chicago Zoning Ordinance, respectively.

(b) If the applicant for a license under this chapter is also a tire facility, as defined in Section 4-228-010, no license shall be issued or renewed under this chapter unless the fire commissioner causes an inspection to be made of the premises identified in the license application to determine compliance with the requirements set forth in Article III of this chapter and other applicable requirements of this Code.

4-228-405 License – Suspension or revocation.

The violation of any provision of this chapter or any rule and regulation promulgated thereunder may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280.

4-228-410 Regulations.

(a) Except as otherwise provided in subsection (b) of this section, the commissioner is authorized to adopt rules and regulations necessary or appropriate for the proper administration and enforcement of the provisions of this chapter concerning motor vehicle repair shops. Such regulations shall include, but are not limited to, the following: (1) procedures for accepting complaints from the public against any motor vehicle repair shop or mechanic relating to alleged violations of this chapter or rules and regulations promulgated pursuant to this chapter; and (2) criteria for investigating such complaints, including, without limitation, the alleged financial loss to the complainant, the indication of recurring incidents of fraud or deceptive practices, or the essential nature of the service provided as it relates to the safe operation of the vehicle. Each such regulation shall become effective ten days after notice of said regulation has been published in a newspaper of general circulation in the City of Chicago.

(b) The commissioner of business affairs and consumer protection and the fire commissioner may promulgate rule and regulations for tire facilities.

4-228-415 Penalty for violation.

Except as otherwise provided in this chapter, and in addition to any other penalty provided by law, any person who violates any requirement of this chapter or any rule and regulation promulgated thereunder shall be subject to a fine of not less than $500.00 nor more than $2,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Repeated violations of the provisions of this chapter or any regulation promulgated hereunder shall be deemed to be a public nuisance and grounds for injunctive relief.

SECTION 107. Chapter 4-229 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 108. Section 4-232-070 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-232-070 Issuance conditions.

(Omitted text is unaffected by this ordinance)

(b) No valet parking operator license, or renewal thereof, shall be issued unless the applicant provides proof to the commissioner that he has obtained liability insurance covering all locations at which he operates or seeks to operate in the minimum amounts of $1,000,000.00 per occurrence for public liability, $1,000,000.00 per occurrence for property damage, and $1,000,000.00 per occurrence for garage keepers' legal liability.

The insurance policy shall be for a term at least coextensive with the duration of the license, shall be issued by an insurer authorized to insure in Illinois and shall not be subject to cancellation except upon 30 days prior notice to the commissioner.

(Omitted text is unaffected by this ordinance)

SECTION 109. Section 4-232-120 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-232-120 Location ~~Frontage consents.~~

(Omitted text is unaffected by this ordinance)

~~No person shall construct, conduct or operate any motor vehicle salesroom in the city on any lot in any block in which two-thirds of the buildings on both sides of the street are used exclusively for residence purposes, or within 100 feet of any such street in any such block, without the written consent of a majority of the property owners according to frontage on both sides of the street; provided, that all lots which abut only on a public alley or court shall be considered as fronting on the street to which such alley or court leads. Such written consents shall be obtained and filed with the commissioner of the department of buildings before a permit is issued for the construction of any such building, or, in case a license is required for such business on account of the sale of secondhand cars, before a license is issued for the operation of any motor~~

~~vehicle salesroom in any existing building. In determining whether two-thirds of the buildings on both sides of such street are used exclusively for residence purposes, any building fronting upon another street and located upon a corner lot shall not be considered. The word "block", as used in this section, shall not be held to mean a square, but shall be held to embrace only that part of the street in question which lies between the two nearest intersecting streets.~~

~~The provisions of this section shall apply only where the premises are of such a nature that motor vehicles are or may be admitted thereto.~~

SECTION 110. Section 4-232-200 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-232-200 Location ~~and frontage consents.~~

(Omitted text is unaffected by this ordinance)

~~No person shall conduct or operate any public garage in the city on any lot in any block in which dwelling houses, apartment houses and hotels constitute one-half or more of the buildings on both sides of the street in the block, or within 100 feet of any such street in any block, without the written consent of a majority of the property owners according to the frontage on both sides of the street. All lots which abut only on a public alley or court shall be considered as fronting on the street to which such alley or court leads. Such written consents shall be obtained and filed with the executive director of the department of construction and permits before a permit is issued for the construction of any such building, or before a license is issued for the operation of any public garage in any existing building. In determining whether dwelling houses, apartment houses and hotels constitute one-half or more of the buildings on both sides of the street in any block, any building fronting on another street and located upon a corner lot shall not be considered. The word "block" as used in this section shall not be held to mean a square, but shall be held to embrace only that part of the street in question which lies between the two nearest intersecting streets.~~

~~It shall not be deemed inconsistent with the character of a building as a dwelling house, apartment house or hotel under this section that a part thereof is used for retail business purposes, if a separate part of such building with a total floor area greater than the floor area used for business is used for residence purposes.~~

SECTION 111. Chapter 4-233 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 112. Section 4-236-110 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 113. Section 4-240-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-240-070 Maintenance of records.

(a) ~~Every such licensee shall keep a book in which there shall be typed or printed in ink at the time of each loan a legible and accurate description in the English language of~~ At the time of each transaction, each licensee under this chapter shall enter into an accessible computer database, using the LeadsOnline electronic reporting form, an accurate description in English of (i) the goods, articles or things pawned or pledged~~,~~; (ii) the amount of money loaned ~~thereon~~ on such items~~;~~;(iii) the time ~~of pledging the same~~ such items were pawned or pledged~~,~~; (iv) the rate of interest to be paid on ~~such~~ the loan~~,~~; and (v) the name and address of the person pawning or pledging the above mentioned items ~~said goods, article or thing~~. Provided, however, that if the licensed business does not have internet access, the licensee shall seek permission and approval from the superintendent of police to use an alternative reporting system acceptable to the superintendent. No entry made in such ~~book~~ database or other approved reporting system shall be erased, obliterated or defaced. ~~For purposes of this section, the phrase "typed or printed in ink" may include a computer printout.~~

(Omitted text is unaffected by this ordinance)

SECTION 114. Section 4-240-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-240-080 Report to police.

(a) It shall be the duty of every ~~such~~ licensee under this chapter to ~~make out~~ prepare and deliver, using the LeadsOnline electronic reporting form, to a location or locations designated by the superintendent of police, every day, before the hour of twelve noon, a legible and correct copy ~~from the books required in~~ of the information required under Section 4-240-070 of all personal property and other valuable things received on deposit, and all articles of secondhand property purchased during the preceding day, setting forth the hour when received and the description of the person ~~by whom left in pledge or sold~~ pledging or selling such items. Provided, however, that if the licensed business does not have internet access, the licensee can seek permission from the superintendent of police to use an alternative reporting system acceptable to the superintendent.

(b) The photographs required under Section 4-240-070 shall ~~not~~ be included in the records delivered to the superintendent of police~~, but shall remain available for inspection and duplication by the police department~~.

SECTION 115. Section 4-240-170 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-240-170 Violation – Penalty.

(a) Any person violating any of the provisions of this chapter or any rule or regulation promulgated thereunder shall be fined not less than ~~$500.00~~ $1,000.00 nor more than ~~$1,000.00~~ $2,000.00 for each offense. Each violation in regard to a separate transaction shall constitute a separate and distinct offense to which a separate fine shall apply.

(Omitted text is unaffected by this ordinance)

SECTION 116. The header of Chapter 4-244 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

CHAPTER 4-244
STREET PEDDLERS AND STREET PERFORMERS

SECTION 117. Section 4-244-010 of the Municipal Code of Chicago is hereby amended by inserting a new Article I, by deleting the language stricken through and by inserting the language underscored, as follows:

Article I. General Provisions

4-244-010 ~~Peddler defined~~ Definitions.

As used in this chapter:

"Commissioner" means the commissioner of business affairs and consumer protection or the commissioner's designee.

"Department" means the department of business affairs and consumer protection.

"Licensee" means any person holding or required to hold a license under this Chapter 4-244.

"Millenium Park" has the meaning ascribed to the term in Section 10-36-140.

"Peddler" or "street peddler" means any individual who, going from place to place, whether on private property or on the public way, ~~shall~~ sells, offers for sale, sells and delivers, barters or exchanges any goods, wares, merchandise, wood, fruits, vegetables or produce from a vehicle or otherwise. The ~~word~~ term "peddler" does not include (1) a "grower" or "producer" as defined in Section 4-12-010 of this Code, or (2) any class of peddler specifically defined and licensed or required to be licensed under other chapters of this Code, including, but not limited to, (i) any junk peddler within the meaning of Section 4-6-150; (ii) any merchant within the meaning of Chapter 4-212 of this Code, or (iii) any mobile food dispenser within the meaning of Chapter 4-8 of this Code.

"Perform" means and includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing or reciting.

"Performer" means any person holding or required to hold a street performer permit under this chapter.

"Public area" means any sidewalk, parkway, playgound or other public way located within the corporate limits of the City. The term "public area" does not include transit platforms and stations operated by the Chicago Transit Authority or the Metropolitan Transportation Authority.

"Special event" means any special event conducted by the City of Chicago, including, but not limited to, events conducted with the permission of the Chicago Park District in parks or other facilities operated by the Chicago Park District.

SECTION 118. Section 4-244-020 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 119. Section 4-244-030 of the Municipal Code of Chicago is hereby amended by inserting a new Article II, by deleting the language stricken through and by inserting the language underscored, as follows:

Article II. Peddlers

4-244-030 License – Required.

(a) It shall be unlawful for any person to engage in the business of a peddler without ~~a~~ first having obtained a street peddler license ~~so to do~~ under this chapter~~; provided, however, that the classes of peddlers specifically defined and licensed by other chapters of this Code shall be exempt from the provisions of this chapter~~.

(b) Any person violating this section shall be fined not less than $50.00 nor more than $200.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense.

SECTION 120. Section 4-244-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-244-040 License – Application.

~~Every individual who desires a license as a peddler shall make~~ An application for a street peddler license under this chapter shall be made ~~therefor~~ in conformity with the general requirements of this Code relating to applications for licenses~~, and shall state the class of license sought~~. Such application shall ~~also state in what~~ identify the type of commodity or ~~article of~~ merchandise that such peddler desires or intends to ~~deal~~ sell, offer for sale, sell and deliver, barter or exchange.

SECTION 121. Section 4-244-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-244-090 Vehicle emblems.

Every peddler whose license entitles him to use a wagon, motor vehicle, handcart, pushcart or other vehicle shall obtain from the city clerk, at the time ~~his~~ such peddler's license is issued under this chapter, a metal plate or other suitable emblem for each such vehicle to be used by ~~him~~ such peddler ~~in or about~~ to conduct his or her business. ~~Such plate or emblem shall have stamped or imprinted thereon the words "Chicago Food Peddler", or "Chicago Non-Food Peddler", as the case may be.~~ Such plate or emblem shall be of a different color and design for every license period and shall have stamped thereon a number corresponding to the number of such peddler's license.

SECTION 122. Section 4-244-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-244-100 Badges.

Every individual ~~having a~~ licensed under this chapter as a peddler, while engaged in the business of peddling, shall wear conspicuously on the outside of his or her outside coat a metal badge or shield indicating that such individual is licensed as a "Chicago ~~Food~~ Street Peddler" = ~~Fruits and Vegetables Only" or "Chicago Non-Food Peddler"~~.

SECTION 123. Section 4-244-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-244-110 Assistants on vehicles.

Upon each wagon or other vehicle ~~licensed under the provisions of this chapter~~ for which a vehicle emblem has been obtained under Section 4-244-090, ~~there shall be permitted but~~ only one helper or assistant to the driver or operator of such wagon or vehicle shall be allowed.

SECTION 124. Section 4-244-120 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-244-120 Hours of business.

No ~~one~~ licensee under this chapter shall peddle any article or thing in any public alley on any day in the week between the hours of 5:00 p.m. and 7:00 a.m.; . ~~under a penalty of~~ Any person who violates this subsection shall be subject to a fine of not less than $50.00 and not more than $200.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense. ~~The provisions of~~ Provided, however, that this section shall not apply to ~~a person licensed as a peddler~~ any licensee under this chapter operating in accordance with Section 4-244-130.

SECTION 125. Chapter 4-244 of the Municipal Code of Chicago is hereby amended by inserting immediately after Section 4-244-160, a new Article III, as follows:

Article III. Street Performers

4-244-161 Permit – Required.

No person may perform in a public area without first having obtained a permit issued under Section 4-244-162 of this chapter.

4-244-162 Permit - Conditions.

(a) A permit shall be issued by the commissioner to each applicant for such permit in exchange for a completed application and a permit fee of $75.00.

(b) A completed application for a permit under this section shall contain the applicant's name, address and telephone number and shall be signed by the applicant.

(c) The permit required under this section shall contain (1) the name and permit number or department account number of the permit holder; (2) a clear photograph of the permit

holder; and (3) the year in which the permit was issued. The permit shall be in a form that can be displayed.

(d) The permit required under this section shall be nontransferable.

(e) Upon issuing a permit under this section, the commissioner shall also issue to the performer named in such permit a printed copy of this chapter.

4-244-163 Permit – Display.

A performer shall carry and display a permit on his or person at all times while performing in a public area, and shall wear the permit in a manner that is clearly visible to the public.

4-244-164 Duties – Prohibited Acts – Other requirements.

(a) A performance may take place in any public area, but only between the hours of 10:00 a.m. and 8:00 p.m. on Sundays through Thursdays and 10:00 a.m. and 10:00 p.m. on Fridays and Saturdays.

(b) A performer may not block the passage of the public through a public area. If a sufficient crowd gathers to see or hear a performer such that the passage of the public through a public area is blocked, a police officer may disperse that portion of the crowd that is blocking the passage of the public, or may order the performer to cease performing at that location until the conditions causing the congestion have abated.

(c) A performer may not perform on the public way so as to obstruct access to private property, except with the prior consent of the owner or manager of the property.

(d) (1) A performer shall comply in all respects with the relevant portions of the noise and vibration control provisions of the Chicago Environmental Noise Ordinance, Article XXI of Chapter 11-4 of the Municipal Code, and all other applicable Code provisions, which prohibit a street performer from generating any sound by any means so that the sound is louder than an average conversational level at a distance of 100 feet or more, measured either horizontally or vertically from the point of generation. Failure to comply with these noise control limitations shall constitute a violation of this section and shall subject the violator to the penalties set forth in subsection (e) of this section and to the fine set forth in Section 4-244-170(b).

Any performer whose performance in the area bounded by Lake Michigan on the east, Oak Street on the north, Congress Parkway on the south and LaSalle Street and Wacker Drive on the west (including both sides of the named boundary streets), has exceeded the noise limitations set forth in Section 11-4-2800, and restated in this subsection (d)(1), and who is given notice thereof and requested to move by a police officer or department of environment personnel, shall move the location of his or her performance at least two city blocks from the location where the noise violation occurred. Failure to obey such a request to move is a violation of this section.

(d) (2) It shall be a separate violation of this section for a street performer to generate any sound by any means so that the sound is louder than an average conversational level at a distance of 200 feet or more, measured either horizontally or vertically from the point of generation. Failure to comply with these noise control limitations shall subject the violator to the penalties set forth in subsection (e) of this section.

(e) Anyone found guilty of two violations of subsection (d)(1) of this section within one calendar year, and anyone found guilty of one violation of subsection (d)(2) of this section, shall have his or her street performer's permit revoked by the department for a period of one calendar year. Permit revocations shall be conducted in accordance with procedures established by the department. In addition to permit revocation and the fine provided for in Section 4-244-170(b), a person violating subsection (d) of this section may also be required to perform up to 24 hours of community service.

(f) All street performers are prohibited from performing in the highly congested area on both sides of Michigan Avenue, bounded by East Delaware Place on the north and East Superior Street on the south.

(g) No performer shall, while performing on the public way (1) along that portion of Jackson Boulevard that lies between Columbus Drive and Lake Shore Drive at any time during which a concert is being performed in the Petrillo Music Shell, or (2) along that portion of Randolph Street that lies between Columbus Drive and Michigan Avenue, and along that portion of Columbus Drive that lies between Michigan Avenue and Monroe Street, at any time during which a concert is being performed in the Jay Pritzker Pavilion, emit noise that is audible to a person with normal hearing more than 20 feet away.

(h) No performance by a performer shall be allowed at any time in Millennium Park, or on any sidewalk that abuts Millennium Park.

4-244-165 Acceptance of contributions.

A performer who performs and accepts contributions under the provisions of this chapter shall not be committing disorderly conduct under Section 8-4-010 of the Municipal Code of Chicago by virtue of those acts.

SECTION 126. Section 4-244-170 of the Municipal Code of Chicago is hereby amended by inserting a new Article IV immediately prior to existing Section 4-244-170, by deleting the language stricken through and by inserting the language underscored, as follows:

Article IV. Enforcement

4-244-170 Violation – Penalty.

(a) ~~Any~~ Except as otherwise provided in this chapter, and in addition to any other penalty provided by law, any peddler who shall be found liable or guilty of any fraud or misrepresentation, or who shall violate any of the provisions set forth in Article II of this chapter, shall be fined not less than $50.00 nor more than $200.00 for each offense~~, where no other penalty is provided in this chapter~~.

(b) Except as otherwise provided in this chapter, and in addition to any other penalty provided by law, any person who violates any of the provisions of Article III of this chapter, including, but not limited to, the noise control limitations set forth in subsection (d) of Section 4-244-164, or who knowingly furnishes false information on the permit application required under Section 4-244-161, shall be subject to a fine of $300.00 for the first offense and $500 thereafter for any subsequent violations. Except as otherwise specifically provided in this chapter, anyone found guilty of three violations of any of the provisions of this chapter within one calendar year shall have his or her street performer's permit revoked by the department for a period of one calendar year. Permit revocations shall be conducted in accordance with procedures established by the department.

SECTION 127. Chapter 4-244 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-244-175, as follows:

4-244-175 Special events.

The mayor, by and through the commissioner of the department of cultural affairs and special events, shall have the authority to promulgate reasonable rules and regulations governing the time, place manner and duration of all performances permitted under this chapter which occur during the course of a special event, including during the set up and clean up.

Such regulations shall include establishing specified areas within, or reasonably near the perimeter of, the grounds of a special event to which performers shall be limited, and such other restrictions as are reasonably necessary to ensure attendees' enjoyment of planned events, protection of unique public art and landscapes, and public safety and welfare. Copies of such regulations shall be published and made available both in advance of and at the location of the special event.

SECTION 128. Chapter 4-253 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 129. Section 4-256-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-256-020 License – Required.

It shall be unlawful for any person to engage in the business of a roofer without obtaining a limited business license.

In addition to a limited business license, ~~if required by chapter 4-204 of this Code,~~ a home repair license shall be obtained, if required by Section 4-6-280, in conformity with the requirements of ~~such chapter~~ Section 4-6-280 before a person may engage in the business of roofer.

SECTION 130. Chapter 4-260 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 131. Section 4-264-005 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-005 Definitions.

For purposes of this chapter:

(Omitted text is unaffected by this ordinance)

"Secondhand dealer" means any person who engages in the business of purchasing, selling, receiving, trading, consignment selling or otherwise transferring for value any secondhand property. Notwithstanding the foregoing, nothing in this chapter applies to: (i) pawnbrokers licensed under Chapter 4-240; junk peddlers licensed under ~~Chapter 4-216~~ Section 4-6-150; junk facilities permitted under Chapter 11-4 of this Code; or manufacturing establishments licensed under Chapter 4-224; (ii) sales or exchanges of used articles and materials conducted by or controlled by charitable or religious organizations; (iii) any person who purchases used articles or materials from a charitable or religious organization for the purpose of resale, if the person spends in excess of $1,000,000.00 per annum on purchases of used articles and materials from religious and charitable organizations for purposes of resale, and maintains an indoor facility of not fewer than 10,000 square feet for the sale of such used articles and materials; (iv) the sale of Chicago Transit Authority fare tokens pursuant to permission of the Authority; (v) the purchase or sale of precious metals or currency on the Chicago Mercantile Exchange or on a similar exchange, wherever located; or (vi) the exchange of currency by a licensed currency exchange, national bank, federal savings bank or other financial institution as defined in the Illinois Banking Act.

(Omitted text is unaffected by this ordinance)

SECTION 132. Section 4-264-040 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 133. Section 4-264-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-050 Recordkeeping.

(a) ~~Every secondhand dealer shall keep a book in which there shall be typed or printed in ink, at the time of the transaction, a legible and accurate description in the English language~~ At the time of each transaction, each licensee under this chapter shall enter into an accessible computer database, using the LeadsOnline electronic reporting form, an accurate description in English of (i) every article of secondhand property received, purchased, sold or exchanged by ~~him~~ the licensee;; (ii) the date of the transaction;; and (iii) the name and address of the purchaser or seller. Provided, however, that if the licensed business does not have internet access, the licensee shall seek permission and approval from the superintendent of police to use an alternative reporting system acceptable to the superintendent. No entry made in such ~~book~~ database or other approved reporting system shall be erased, obliterated or defaced. ~~For purposes of this section, the phrase "typed or printed in ink" may include a computer printout, and "book" includes an accessible computer database capable of being printed at the dealer's business location~~.

(Omitted text is unaffected by this ordinance)

SECTION 134. Section 4-264-051 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-051 Report to police.

(a) ~~Every~~ It shall be the duty of every ~~person requiring a license~~ licensee under this chapter ~~shall~~ to prepare and deliver, using the LeadsOnline electronic reporting form, to a location or locations designated by the superintendent of police, every day, before the hour of 12:00 noon, a legible and correct copy of the ~~records~~ information required ~~in~~ under Section 4-264-050 of all secondhand property purchased during the preceding day, setting forth the hour when the property was received and ~~the~~ a description of the person ~~by whom sold~~ selling such secondhand property. Provided, however, that if the licensed business does not have internet access, the licensee shall seek permission and approval from the superintendent of police to use an alternative reporting system acceptable to the superintendent.

(b) The photographs required under Section 4-264-050 shall ~~not~~ be included in the records delivered to the superintendent of police~~, but shall remain available for inspection and duplication by the police department~~.

SECTION 135. Section 4-264-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-230 Violation – Penalty.

~~(a) Where no other penalty is specified, any person violating any of the provisions of this chapter or any rule or regulation promulgated thereunder shall be fined not less than $200.00 nor more than $500.00 for each offense, and every day that such violation shall continue shall constitute a separate and distinct offense to which a separate fine shall apply.~~

~~(b)~~(a) ~~Any person who violates any provision of Sections 4-264-050, 4-264-070, 4-264-090 or 4-264-150 or~~ Any person who violates any requirement of this chapter or any rule or regulation promulgated thereunder shall be fined not less than $500.00 nor more than $1,000.00 for each offense. Each violation in regard to a separate transaction shall constitute a separate and distinct offense to which a separate fine shall apply.

~~(c)~~(b) In addition to any other penalty provided by law, any violation of this chapter or rule or regulation promulgated thereunder on two different days within any 12-month period may result in license suspension or revocation in accordance with the requirements of Section 4-4-280 of this Code.

SECTION 136. Chapter 4-268 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 137. Section 4-276-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-276-040 Incorrect measures.

If any person shall use, maintain or operate in the city, in weighing or measuring any weight, measure, scale beam, patent balance, steelyard or other instrument which shall not be conformable to the standard of this state, or shall use in weighing, any scale beam, patent balance, steelyard or other instrument which shall be out of order or incorrect, or which shall not balance, he shall be fined for every such offense not less than ~~$25.00~~ $50.00 nor more than ~~$100.00~~ $200.00.

In every case where the said inspector may, at the request of the owner or person in possession or control of any scale, weight or measure, employ labor or material in making such scale, weight or measure accurate, he shall charge and receive from such owner or person, for the use of the city, a just and reasonable compensation for such labor and material.

SECTION 138. Section 4-280-600 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 139. Section 4-280-760 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 140. Section 4-280-820 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 141. Section 4-360-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-360-050 License – Application – Contents.

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

(a) The full name, residence address and business address of the applicant;

(b) The business telephone number of the applicant;

~~(c) The class of license sought by the applicant;~~

~~(d)~~(c) A description of the item or items to be sold;

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

~~(f)~~(e) The written consent of the authority to the applicant's sales activity on Navy Pier;

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

SECTION 142. Section 4-360-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-360-060 Corporate applicant qualifications.

Each corporate applicant for a Navy Pier license shall be qualified to do business under the laws of the State of Illinois.

The fee for ~~an annual~~ a Navy Pier license shall be ~~$125.00~~ as set forth in Section 4-5-010. ~~The fee for a monthly license shall be $50.00. Applications for licenses hereunder shall be made within 15 days after the passage of this amendatory ordinance of 1995 for the current license year. Thereafter, applications~~ Applications for ~~annual licenses~~ a license under this chapter shall be made in March of each year~~, and applications for monthly licenses shall be made in not less than 30 days before the beginning of the proposed license period~~.

SECTION 143. Section 4-360-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-360-070 License – Term – Number.

~~Licenses shall be divided into the following categories: food and nonfood; annual and monthly. Annual licenses shall be issued for the period from the first day of May of each year through April 30th of the following year. Monthly licenses shall be issued for a period not to exceed 31 days, as determined in each instance by the authority.~~

The maximum number of Navy Pier vendor's licenses shall be 125; public convenience, health and necessity and the safety of existing pedestrian traffic on the pier requiring such limitation.

~~The authority may determined by rule the number of Navy Pier licenses in each class. Such rule shall be published before the date for the filing of application.~~

SECTION 144. Section 4-360-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-360-090 License – Issuance and selection procedure.

~~In issuing licenses for the first license period under this chapter, if~~ If the number of qualified applicants for ~~any category of~~ a license under this chapter exceeds the number of such licenses available, as set forth in Section 4-360-070, the commissioner shall grant all such available licenses by the random selection of qualified applicants. In all subsequent license periods, preference shall be given to applicants holding current licenses hereunder, and the remainder of available licenses, if any, shall be granted by random selection of qualified applicants.

SECTION 145. Section 4-360-180 is hereby repealed in its entirety.

SECTION 146. Chapter 4-372 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 147. Chapter 4-380 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 148. Section 4-384-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-384-010 Definitions.

(Omitted text is unaffected by this ordinance)

"Animal exhibition" means any public or private animal exhibition staged ~~temporarily or permanently~~ within the City, with or without charge to viewers, including, but not limited to, zoos, circuses, rodeos, dog shows, cat shows, livestock exhibitions, horse shows, other shows or exhibitions utilizing or displaying animals, or the display of any animal for purposes of advertising or promotion. For purposes of classifying animal exhibitions as temporary or permanent, a "temporary" animal exhibition shall mean one with a duration of 30 consecutive days or less, and a "permanent" animal exhibition shall mean one with a duration exceeding 30 consecutive days.

(Omitted text is unaffected by this ordinance)

SECTION 149. Section 4-384-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-384-020 Animal care – License required when– Permit required for temporary animal exhibitions.

(a) No person shall engage in the business of a grooming facility, guard dog service, pet shop, animal day care facility, humane society, veterinary hospital or permanent animal exhibition; without having first obtained an animal care license ~~to do so~~ under this chapter; provided, however, that an animal care facility may, under that license, (1) buy or sell cats or dogs without a pet shop license; or (2) groom cats or dogs without a grooming facility license.

(b) No person shall engage in the business of temporary animal exhibition without first having obtained a permit to do so under Section 7-12-185.

(c) For purposes of this section, the terms "permanent" and "temporary" shall have the meaning ascribed to those terms in the definition of "animal exhibition" as set forth in Section 4-384-010.

SECTION 150. Section 4-384-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-384-150 License suspension.

(Omitted text is unaffected by this ordinance)

(d) A ~~$50.00~~ reinspection fee in the amount set forth in Section 4-4-125 shall be assessed against the licensee of any establishment for each inspection conducted by the executive director to address a violation previously identified in an inspection.

(Omitted text is unaffected by this ordinance)

SECTION 151. Section 4-384-170 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 152. Section 4-388-150 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 153. Section 7-12-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-12-180 Exemptions from license requirements.

(Omitted text is unaffected by this ordinance)

(b) Section 7-12-140 shall not apply to any person who is properly licensed ~~as an animal exhibition~~ under Chapter 4-384 of this Code to engage in the business of permanent animal exhibition or properly permitted under Section 7-12-185 to operate a temporary animal exhibition.

SECTION 154. Chapter 7-12 of the Municipal Code of Chicago is hereby amended by adding a new Section 7-12-185, as follows:

7-12-185 Temporary animal exhibitions - permit required.

(a) For purposes of this section, the term "temporary animal exhibition" shall be defined as set forth in Section 4-384-010.

(b) No person shall operate a temporary animal exhibition without first having obtained an animal exhibition permit.

(c) An application for an animal exhibition permit shall be made on a form prescribed by the executive director, and shall be accompanied by a non-refundable application fee as set forth in Section 4-5-010. The application shall contain:

(1) The name and business address of the applicant and any other associated information that the executive director may require, including any disclosures pertaining to ownership or control of the applicant;

(2) A description of the proposed exhibition, including location, dates of operation, the species and numbers of animals included, and any animal tricks, behaviors or other activities intended as part of the exhibition;

(3) Proof of insurance with amounts and coverages set by the executive director, following consultation with the City's risk manager; and

(4) Such other information as the executive director may reasonably require.

(d) Upon being satisfied that a permit application is complete and meets the requirements of this section, and that the proposed exhibition will not endanger the public or

create an imminent hazard to the health of the animals included in such exhibition, the executive director shall issue the permit. The permit shall be valid only for the exhibition as described on the application. If the executive director denies the permit, he shall inform the applicant in writing, stating the reasons for the denial.

(e) (1) Any person found to be operating a temporary animal exhibition without the permit required by this section, or in violation of the terms of a permit issued pursuant to this section, shall be subject to a fine of not less than $100.00 nor more than $1,000.00 for each offense, or summary closure of the exhibition, or both a fine and summary closure. A separate violation shall be deemed to have occurred for each day of noncompliance.

(2) If the executive director determines that any violations are limited in scope or egregiousness such that they can be corrected by the permittee, the executive director may mandate that the permittee complete corrective action by a date certain, or, if summary closure is imposed, as a precondition to re-opening the exhibition. Provided, however, that summary closure of a temporary animal exhibition shall only be authorized if an inspection by the department results in a finding of an imminent hazard to the health of animals included in such exhibition. Corrective action may be imposed in conjunction with a fine.

(f) (1) Any applicant who believes that his application for a permit is wrongfully denied, or any permittee whose exhibition has been summarily closed pursuant to this section, may file an appeal with the department of administrative hearings within five business days of the date of the notice of the executive director's denial or the closure. If no appeal is filed within said five-day period, the executive director's action shall be deemed final.

Upon the filing of such appeal, the department of administrative hearings shall cause a hearing to be held within five business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the executive director.

Any final decision of the department of administrative hearings shall be subject to judicial review in accordance with applicable law.

(2) If under the circumstances there is not sufficient time to file the appeal in accordance with the procedure set forth in this subsection, the decision by the executive director shall be deemed a final decision subject to judicial review in accordance with applicable law.

SECTION 155. Section 7-24-091 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

7-24-091 Possession or delivery.

1. Except as authorized by law, any person who delivers, furnishes, or transfers, possesses with intent to deliver, furnish or transfer, drug paraphernalia as defined in Section 720 ILCS 600/2, subparagraph (5) of the Illinois Compiled Statutes, and including glass tubing designed and utilized for the ingestion of crack or cocaine, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, sow, harvest, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Illinois Controlled Substances Act 720 ILCS 570/100, et seq., shall be fined ~~$1,000.00~~ $2,000.00, or punished by imprisonment for a period of six months, or by both such fine and imprisonment.

(Omitted text is unaffected by this ordinance)

SECTION 156. Chapter 7-28 of the Municipal Code of Chicago is hereby amended by inserting a new Section 7-28-215, as follows:

7-28-215 Commercial refuse containers – Permit required.

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

"Provider" shall mean the person who provides refuse collection services for a refuse container that has been provided for use at a requested location.

"Refuse container" shall mean the commercial refuse container or refuse compactor described in Section 7-28-210 of the Code. However, "refuse container" shall not include a receptacle provided for the convenience of customers of a business establishment if no refuse collection service has been contracted for that receptacle.

(B) *Permit required.* It shall be unlawful for any provider to place, maintain or provide refuse collection services for a refuse container for use in the City of Chicago unless such provider shall first obtain a refuse container permit for that container.

(C) *Application.* An application for a refuse container permit shall be made to the commissioner of transportation. In addition to such other information as the commissioner may require, the applicant shall state the name, address, container locations, container sizes and telephone number of the provider of the refuse container. The information shall be updated periodically or otherwise as prescribed by the commissioner of transportation.

(D) Permit fee. Except with respect to refuse containers intended and used exclusively either: (i) for the collection of recyclable materials or (ii) by a unit of local government or school

district that levies a property tax exclusively within the City of Chicago, as to which there shall be no permit fee, the permit fee for each refuse container permitted pursuant to this section shall be as follows:

Type A (under one cubic yard)	$17
Type B (one to two cubic yards)	$32
Type C (two to 10 cubic yards)	$63
Type D (over 10 cubic yards)	$164
Type R (used exclusively for recycling)	no fee

The permit shall be valid for a four-month period beginning on April 1, August 1, and December 1 of each year. In each year the permit fee shall be paid no later than the following dates, unless a different payment schedule is specified by the commissioner of transportation by regulation:

July 15 for the period beginning April 1.
November 15 for the period beginning August 1.
March 15 for the period beginning December 1 of the previous year.

(E) *Enforcement.* This section shall be enforceable by any one of the following: the commissioner of the environment, the commissioner of streets and sanitation, the commissioner of transportation, the commissioner of business affairs and consumer protection, or the ~~director of revenue~~ comptroller, or their respective designees. The commissioner of transportation shall have the authority to promulgate such rules and regulations as the commissioner deems necessary or appropriate for the proper administration and enforcement of this section. The ~~director of revenue~~ comptroller may require that a provider produce such records and other information that the director considers necessary to determine compliance with this section.

(F) *Penalties.*

(1) Any person violating this section or any rule or regulation promulgated under this section shall be subject to a fine of not less than $250.00 nor more than $1,500.00 for each offense.

(2) Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any refuse container not validly permitted may be removed by the city, and all costs associated with such removal shall be borne by the provider of the refuse container. The owner of a refuse container, if different from a provider, shall be jointly and severally liable with the provider for any violation of this section.

SECTION 157. Chapter 7-28 of the Municipal Code of Chicago is hereby amended by inserting a new Section 7-28-226, as follows:

7-28-226 Zone of nonoperation.

(1) Zone of nonoperation. No person shall grind or compact, or load into a mobile or stationary grinding or compacting device, garbage, wastes, refuse or other matter (as defined in Section 4-260-030 of this chapter), without a special permit, between the hours of 9:30 p.m. and 7:00 a.m., Mondays through Fridays, and between the hours of 9:30 p.m. and 9:00 a.m., Saturdays, Sundays and holidays, on any street, alley, public way or on public or private property within the boundaries of the City of Chicago, which: (A) is within the area bounded by Weed Street on the north, Halsted Street on the east, Blackhawk Street on the south and Dayton Street on the west, or (B) adjoins or is within 250 feet of any business or residential zoning classification as defined in the Chicago Zoning Ordinance; except that this section shall not apply to that area bounded by the Chicago River on the north, Lake Michigan on the east, a line delineated by Congress Parkway extended and Congress Parkway on the south, the South Branch of the Chicago River on the west. Special permits to operate within the zone of nonoperation during the hours prohibited aforesaid, may be issued by the commissioner of streets and sanitation only after a showing, based on health, safety or public welfare that an extreme hardship exists. This section shall not apply to household appliances.

(2) Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of, any of the provisions of Section 4-260-100, shall upon conviction thereof, be fined not less than $100.00 nor more than $500.00.

SECTION 158. Section 7-28-240 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-28-240 Refuse removal.

Except in the case of (i) a multiple dwelling containing less than five living units, (ii) a multiple dwelling (other than a condominium, cooperative residential building or townhouse) each living unit of which is individually heated by the tenant and which was receiving city refuse collection on July 19, 2000 and which has not changed ownership since that time, or (iii) a townhouse which is in compliance with Section 7-28-230 regarding location of refuse containers and the placement of the containers does not constitute a health or safety hazard as determined by the department of streets and sanitation, or (iv) a multiple dwelling licensed as a bed-and-breakfast establishment pursuant to ~~Chapter 4-210 of this Code~~ Section 4-6-290 and containing less than five living units unless the department of streets and sanitation determines that the establishment is producing an unreasonable amount of refuse for a building of its size, it shall be the duty of the owner or his agent of every multiple dwelling to cause to be removed at his own cost and expense at least once each week all refuse produced therein.

(Omitted text is unaffected by this ordinance)

SECTION 159. Section 7-38-005 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-38-005 Food requirements.

(a) All food shall be protected from contamination and the elements while being stored, prepared, displayed or sold at a food establishment and during transportation to or between such establishments or vending machine locations, and so shall all food equipment, containers, utensils, food-contact surfaces and devices and vehicles, in accordance with the provisions of this chapter, ~~chapters 4-80~~ Chapters 4-8, 7-40 and 7-42 of this Code and the rules and regulations of the board of health.

(Omitted text is unaffected by this ordinance)

SECTION 160. Section 7-28-310 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-28-310 Owner of business responsible for removal when – Violation – Penalty.

Every person owning or operating any business establishment, other than a bed-and-breakfast establishment licensed pursuant to ~~Chapter 4-210 of this Code~~ Section 4-6-290 unless the department of streets and sanitation determines that the bed-and-breakfast establishment is producing an unreasonable amount of refuse for a building of its size, shall cause sufficient removal and disposition of such refuse and discarded materials at his own expense and 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 such refuse and discarded materials unless they are part of a multiple occupational unit where the building owner is required to provide refuse service. Removal must be by licensed scavenger company.

(Omitted text is unaffected by this ordinance)

SECTION 161. Section 7-32-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-32-010 Definitions.

(Omitted text is unaffected by this ordinance)

"Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, assisted living establishments as defined in Section

4-6-090(a), long-term care facilities as defined in ~~Chapter 4-96~~ Section 4-6-100(a), adult family care homes as defined in Section 4-6-110 (a), hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

(Omitted text is unaffected by this ordinance)

SECTION 162. Section 7-38-040 of the Municipal Code of Chicago is hereby amended to correct the mistaken section number in existing Section 7-38-040, by deleting the language stricken through and by inserting the language underscored, as follows:

~~7-38-040~~ 7-38-140 Mobile ~~frozen~~ desserts ~~dispenser~~ vendor.

Except as otherwise provided in this section, a mobile ~~frozen~~ desserts ~~dispenser~~ vendor shall comply with all applicable requirements of this Code, including the requirements set forth in Article II of this Chapter, and the rules and regulations of the department of health pertaining to mobile units handling frozen desserts. A mobile ~~frozen~~ desserts ~~dispenser~~ vendor is not required to comply with the following requirements:

(1) the hot food storage and heating appliance requirements set forth in Section 7-38-090;

(2) the sinks, water storage tanks and plumbing requirements set forth in Section 7-38-120;

(3) the refuse receptacle requirements set forth in Section 7-38-125;

(4) the mobile food vehicle requirement set forth in Section 7-38-040(c)(1); and

(5) the additional vehicle requirements set forth in Section 4-8-293.

SECTION 163. Section 7-44-020 of the Municipal Code of Chicago is hereby amended by hrough and by inserting the language underscored, as follows:

7-44-020 Hazardous materials license – Required.

No person may engage in the business of extermination by fumigation without a hazardous materials license issued under ~~Chapter 4-115~~ Section 4-6-210.

SECTION 164. Section 7-44-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

7-44-030 Sale of materials for hydrocyanic acid gas – Restricted.

No person shall sell or give away material for the purpose of fumigating premises with hydrocyanic acid gas, except to a person with a hazardous materials license issued under ~~Chapter 4-115~~ Section 4-6-210, unless a signed statement in writing is first obtained from the buyer or recipient of the material to the effect that it will not be used for the purpose of fumigating any place of domestic habitation or any building or portion thereof as set forth in this chapter.

SECTION 165. Section 9-84-015 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-84-015 Booting prohibited – Applicability.

(a) *Unlawful act.* ~~No~~ Except as otherwise provided in subsection (c) of this section, no person shall boot ~~a~~ any motor vehicle located within the corporate limits of the City at any time.

(b) *Definitions.* As used in this section:

~~To "boot"~~ "Boot" means the act of placing on a parked motor vehicle ~~a~~ any mechanical device that is designed to be attached to ~~a~~ the wheel or tire or other part of such vehicle so as to prohibit ~~its~~ the vehicle's usual manner of movement.

"Motor vehicle" has the meaning ascribed to the term in Section 9-4-010.

(c) *Exemption.* The provisions of this section shall not apply to the booting of a motor vehicle by the City of Chicago~~;~~ or by any other governmental entity~~;~~ or ~~a~~ by any person acting under the direction of the City of Chicago or such governmental entity, when such booting is authorized by any provision ~~or~~ of law or any rule or regulation duly promulgated ~~pursuant thereto~~ thereunder. Nor shall the provisions of this section apply to booting of a motor vehicle in compliance with ~~Chapter 4-233 of this Code~~ Section 4-6-230.

SECTION 166. Section 10-8-350 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-350 Performance in public ways.

No person shall engage in any game, sport, amusement, performance or exhibition, or exhibit any machine or show or any animal, or indulge in any acrobatic or gymnastic feats, on any public way in the city, except as provided in ~~Sections~~ Section 10-8-330 and Chapter ~~4-268~~ 4-244.

(Omitted text is unaffected by this ordinance)

SECTION 167. Section 11-4-2510 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

11-4-2510 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them by this section:

(Omitted text is unaffected by this ordinance)

Recycling facility means any building, portion of a building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products. A "recycling facility" shall not include any motor vehicle repair shop licensed pursuant to Chapter 4-228 of this Code.

(Omitted text is unaffected by this ordinance)

SECTION 168. Section 11-5-024 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

11-5-024 Hauler certification and reporting requirements.

(a) As a condition of receiving, renewing and maintaining a license or permit as a scavenger, refuse hauler or recycling facility, each such licensee, permittee or applicant for such a license or permit shall meet the following criteria:

(Omitted text is unaffected by this ordinance)

~~(c) The provisions of Section 11-5-024 do not apply to offal scavengers as defined in Article III, sewer and catch basin cleaners as defined in Article IV, or night soil scavengers as defined in Article V of Chapter 4-260 of the Municipal Code.~~

SECTION 169. Section 13-4-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-4-010 Definitions.

(Omitted text is unaffected by this ordinance)

Day Care Center ~~Centers – Class I. For definition see Section 4-72-010~~ has the meaning ascribed to the term in Section 4-75-010.

"Day Care Center – Class I" means any institution or place, regardless of nomenclature and with or without a stated educational purpose, that offers care during all or part of the day for three or more children, not of common parentage, apart from their parent or guardian, between the ages of two years and six years.

For occupancy classification, see Section 13-56-100.

"Day Care Center – Class II" or "Day Care Center/Under 2" ~~For definition see Section 4-72-010~~ means any institution or place offering care for children, not of common parentage, apart from their parent or guardian, under two years of age. Class II day care centers shall be located only at ground level.

For occupancy classification, see Section 13-56-050.

(Omitted text is unaffected by this ordinance)

Developmentally Disabled. For definition, see Section ~~4-96-020~~ 8-4-080(B).

(Omitted text is unaffected by this ordinance)

Nursing Home~~. For definition see Section 4-96-010.~~ means a "skilled care facility," "intermediate care facility," "sheltered care facility" or similar "long-term care facility," as those terms are defined in the Illinois Nursing Home Care Code (210 ILCS 45) and/or Title 77 Ill.Adm.Code Part 300.

(Omitted text is unaffected by this ordinance)

Sheltered Care Home~~. For definition see Section 4-96-010~~ means a facility that provides personal care and assistance, supervision, oversight or nursing, and a suitable activities program. Provisions are made for medical care as necessary.

(Omitted text is unaffected by this ordinance)

SECTION 170. Section 13-10-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-10-010 Definitions.

For the purpose of this chapter, unless the context requires otherwise, the following terms shall be construed as herein defined:

(Omitted text is unaffected by this ordinance)

(a) "Building" shall mean a structure, or part thereof, enclosing space designed or used for four or more family units, or designed or used for sleeping accommodations, other than family units, for ten persons or more, not including buildings licensed under ~~Chapter 4-84 of the Municipal Code of Chicago~~ Section 4-6-170;

(Omitted text is unaffected by this ordinance)

SECTION 171. Section 13-10-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-10-040 Time for registration.

(Omitted text is unaffected by this ordinance)

All owners whose buildings are licensed under the provisions of ~~Chapters 4-84, and 4-96~~ Sections 4-6-090, 4-6-100, 4-6-110 and 4-6-170 of the Municipal Code of Chicago, and all eleemosynary, religious, educational, benevolent or charitable associations and all governmental agencies shall file the registration statement required under this chapter, but any governmental agency, Chicago Public School or City College of Chicago shall be exempt from the payment of the fee for the same.

(Omitted text is unaffected by this ordinance)

SECTION 172. Section 13-56-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-56-050 Class B, institutional units.

Buildings, or parts thereof, designed or used for the harboring of three or more persons for medical, correctional, penal or other care, treatment or detention, and as defined in ~~Chapters 4-84 and 4-96 of this Code~~ Sections 4-6-090, 4-6-100, 4-6-110 and 4-6-170, and as further defined by

the rules and regulations promulgated by the board of health under the authority of Section 2-112-100, shall be classified as Class B institutionalized units.

SECTION 173. Section 13-56-060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-56-060 Certain Class B institutional units.

Class B institutional units shall include, but not be limited to the following:

(A) Hospitals;

(B) Nursing homes shall include the following:

1. Skilled care nursing home,

2. Intermediate care nursing home,

3. Child care nursing home,

4. Intellectually or ~~D~~developmentally disabled ~~and/or mentally retarded~~ home;

(Omitted text is unaffected by this ordinance)

SECTION 174. Section 13-56-250 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-56-250 Auxiliary uses.

(Omitted text is unaffected by this ordinance)

Auxiliary uses, other than legal home occupations licensed under ~~Chapter 4-380~~ Section 4-6-270, shall be limited to a maximum of five percent of the area occupied by the principal use, provided however, that the building commissioner and the fire commissioner may jointly approve auxiliary uses exceeding said five percent of the area of the principal use when in their opinion such auxiliary uses do not unduly increase the hazards. A legal home occupation licensed in accordance with ~~Chapter 4-380 of this Code~~ Section 4-6-270 shall not permanently occupy more than ten percent of the floor area of any single-family residence or 15 percent of the floor area of any unit in a multiple dwelling building; provided, however, that in no instance may one or more

home occupations in any single dwelling unit permanently occupy more than 300 square feet of the dwelling unit.

SECTION 175. Section 13-80-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-80-100 Elevators.

Elevators shall be provided in nursing homes as defined in Section 13-4-010, hospitals as defined in Section 4-6-170, and sheltered care facilities ~~as defined in Chapters 4-84 and 4-96 of this Code~~ as defined in Section 13-4-010.

(Omitted text is unaffected by this ordinance)

SECTION 176. Section 13-160-160 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-160-160 Maximum distance from end of corridor.

The maximum travel distance to an exit from the end of a corridor shall be not more than 50 percent of the travel distance permitted in Sections 13-160-140 and 13-160-150, except that in Type I schools, such distance shall not exceed 20 feet, and in the case of nursing homes and sheltered care facilities as defined in ~~Chapter 4-96 of this Code~~ Section 13-4-010 and as further defined by the rules and regulations promulgated by the board of health under the authority, as applicable, of Section ~~4-96-060 of this Code~~ 4-6-090, Section 4-6-100 or Section 4-6-110, there shall be an exit at the end of each corridor.

SECTION 177. Section 13-160-260 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-160-260 Hardware.

(Omitted text is unaffected by this ordinance)

(e) In nursing homes, hospitals, day care centers as defined in ~~chapter 4-72~~ Section 13-4-010 that operate between the hours of 9:00 p.m. and 6:00 a.m., sheltered care facilities and intermediate care facilities for the developmentally disabled – 15 or less, required exterior exit

doors and doors from stairways leading to main exit level shall be equipped with approved latches, bolts or panic hardware which release under pressure of 15 pounds.

SECTION 178. Section 13-196-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-196-180 Sprinkler systems – Where required.

The following existing buildings or structures, or parts thereof, are to be equipped with sprinkler systems complying with the requirements of Chapter 15-16:

(Omitted text is unaffected by this ordinance)

(d) Every building used in whole or in part as a nursing home, as defined~~;~~ in ~~Chapter 4-96 of this Code~~ in Section 13-4-010;

(Omitted text is unaffected by this ordinance)

SECTION 179. Section 13-196-200 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-196-200 Standard fire alarm system requirements.

An approved fire alarm system shall be provided as required in this section.

(a) A standard fire alarm system meeting the requirements of this chapter and Chapter 15-16 of this Code shall be provided in the following occupancies:

(Omitted text is unaffected by this ordinance)

(2) Type I or Type II schools: Buildings over one story in height shall be equipped with a Class I system;

Any Type I school operating as or containing a day care center Class I, as defined in ~~Chapter 4-72~~ Section 13-4-010, shall comply with fire alarm system requirements applicable to Type III schools;

(Omitted text is unaffected by this ordinance)

SECTION 180. Section 13-196-240 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-196-240 Automatic fire detectors – Where required.

(Omitted text is unaffected by this ordinance)

(d) Fire alarm systems serving Type III schools, day care centers Class II, and those Type I schools operating as or containing a day care center Class I as defined in ~~Chapter 4-72~~ in Section 13-4-010 shall include automatic detectors as follows:

(Omitted text is unaffected by this ordinance)

SECTION 181. Section 15-4-330 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

15-4-330 Bonds.

Each applicant for a license under this chapter shall furnish and file with the division marshal in charge of the bureau of fire prevention a proof of general liability and property damage insurance issued by an insurer authorized to underwrite risks in this state, and with a Best's rating of A-11 or better. The insurance policy shall be maintained in full force and effect at all times throughout the duration of the license period, provide for notice to the city comptroller 30 days prior to cancellation of the policy, and shall provide for the payment of any loss, damage or injury resulting to persons or property by reason of the use, sale or keeping of such explosives, and for the strict observance of the provisions of this Code relating to explosives and substances referred to in Section 15-4-300. The insurance shall be subject to the approval of the city comptroller and shall be filed in the office of the comptroller. Any violation of the insurance requirements of this section shall subject the violator to suspension or revocation of the license. Insurance shall be in the amounts as follows:

(Omitted text is unaffected by this ordinance)

SECTION 182. Section 15-4-520 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-4-520 Other licenses and permits required.

For the licensing and permit requirements covering the following occupancies, refer to the chapter indicated:

Adult family care home, 4-6;

Assisted living establishment, 4-6;

Public places of amusement, 4-156;

Drug, chemical or paint stores (wholesale), 4-152;

Dry cleaners and spotters, ~~4-100~~ 4-6;

Filling stations, 4-108;

Long-term care facilities, ~~4-96~~ 4-6;

Manufacturing establishments, 4-224;

Motor vehicle repair, 4-228;

Motor vehicle storage~~, repair,~~ and sales, 4-232;

Day care centers, ~~4-72~~ 4-6;

(Omitted text is unaffected by this ordinance)

SECTION 183. Section 15-16-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-16-030 Special requirements.

Automatic sprinkler systems shall be provided in the following buildings and areas:

(Omitted text is unaffected by this ordinance)

(l) On or before February 1, 1977 in every existing or preordinance building and buildings hereafter erected, used in whole or in part as a nursing home, as defined in ~~Chapter 4-96, of this Code~~ Section 13-4-010. Such automatic sprinkler system shall be supervised;

(Omitted text is unaffected by this ordinance)

SECTION 184. Section 15-16-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-16-110 General requirements.

An approved fire alarm shall be provided as follows:

(a) A standard fire alarm meeting the requirements of this chapter and Article II of Chapter 15-16 of this Code shall be provided in the following occupancies:

(Omitted text is unaffected by this ordinance)

(2) Type I or Type II Schools: Buildings over one story in height shall be equipped with a Class I system. Any Type I school operating as or containing a day care center Class I, as defined in ~~Chapter 4-64~~ Section 13-4-010, shall comply with fire alarm system requirements applicable to Type III schools.

(Omitted text is unaffected by this ordinance)

SECTION 185. Section 15-16-140 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-16-140 Automatic fire detectors, where required.

In every fire alarm system required in this Code, automatic fire detectors shall be installed as an integral part of a fire alarm system in rooms or portions of the building as follows:

(Omitted text is unaffected by this ordinance)

(d) Fire alarm systems serving Type III schools, day care centers Class II, and those Type I schools operating as or containing a day care center Class I as defined in ~~Chapter 4-72~~ Section 13-4-010 shall include automatic detectors as follows:

(Omitted text is unaffected by this ordinance)

SECTION 186. Section 15-24-900 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-24-900 Definitions.

As used in this chapter:

"Dry cleaning building" means a building designed, intended or used for no purpose other than the purpose of dry cleaning or spotting as defined in ~~Chapter 4-100 of this Code~~ Section 4-6-200.

(Omitted text is unaffected by this ordinance)

SECTION 187. Section 15-4-340 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-4-340 Certificate of fitness.

(Omitted text is unaffected by this ordinance)

Any such person, before being permitted to exercise any of such functions, shall file a written application with the deputy commissioner in charge of the bureau of fire prevention for a "certificate of fitness", and before the issuance of any such certificate the deputy commissioner shall examine such applicant as to his qualifications to fill such position or positions, under the conditions herein described. No person shall be permitted to have the actual care and handling of such explosives without first having obtained a certificate of fitness as herein provided. Such certificate of fitness shall be subject to inspection by any member of the fire and police departments at all times. The annual fee for such certificate of fitness shall be ~~$50.00 to be paid to the director of revenue~~ as set forth in Section 4-5-010.

SECTION 188. Section 17-1-1405 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-1-1405 Existing Uses.

(Omitted text is unaffected by this ordinance)

17-1-1405-C In the case of an *adult use*, whenever a city license to do business at such an establishment, including but not limited to a city license for the retail ~~liquor license~~ sale of alcoholic liquor under Chapter 4-60, a public place of amusement license under Chapter 4-156, or a retail food ~~dispensing~~ establishment license under Chapter 4-8 of this Code, is revoked, any existing *special use* approval becomes null and void. Any subsequent re-establishment of the *adult use* requires approval as a new *special use* in accordance with the procedures of Sec. 17-13-0900. In such cases, re-establishment of the *adult use* will be permitted only in a zoning district in which the *adult use* is authorized under this Zoning Ordinance.

(Omitted text is unaffected by this ordinance)

SECTION 189. The table in Section 17-3-0207 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-3-0207 Use Table and Standards.

USE GROUP	Zoning Districts						Use Standard	Parking Standard
Use Category	B1	B2	B3	C1	C2	C3		
Specific Use Type								
P = permitted by right S = special use approval required PD = planned development approval required - = Not allowed								
(Omitted text is unaffected by this ordinance)								
QQ. Sports and Recreation, Participant								
(Omitted text is unaffected by this ordinance)								
5. Children's ~~Activities Facility~~ Play Center	P	P	P	P	P	P		§ 17-10-0207-T
(Omitted text is unaffected by this ordinance.)								

SECTION 190. The table in Section 17-4-0207 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-4-0207 Use Table and Standards.

USE GROUP	Zoning Districts				Use Standard	Parking Standard
Use Category	DC	DX	DR	DS		
Specific Use Type						
P = permitted by right S = special use approval required PD = planned development approval required - = Not allowed						
(Omitted text is unaffected by this ordinance)						
RR. Sports and Recreation, Participant						
(Omitted text is unaffected by this ordinance)						
4. Children's ~~Activities Facility~~ Play Center	-	P	-	P		§ 17-10-0208
(Omitted text is unaffected by this ordinance.)						

SECTION 191. Section 17-9-0105.5 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-9-0105.5 Day Care Facilities in Manufacturing and Planned Manufacturing Districts.

17-9-0105.5-A Day Care facilities are subject to the provisions of Municipal Code Chapter ~~4-72~~ 4-75.

(Omitted text is unaffected by this ordinance.)

~~**17-9-0105.5-D** Child care centers as defined in Section 17-17-0103-C are not allowed to be established within 250 feet of the *property line* of any lot that contains a *motor vehicle* repair shop in which body repair, painting or commercial vehicle repair occurs.~~

SECTION 192. Section 17-9-0111.3 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

17-9-0111.3 Motor Vehicle Repair Shops.

~~**17-9-0111.3-A**~~ *Motor vehicle* repair shops are subject to the provisions of Municipal Code Chapter 4-228.

~~**17-9-0111.3-B** *Motor vehicle* repair shops in which body repair, painting or commercial vehicle repair occurs are not allowed to be established within 250 feet of the *property line* of any child care center as defined in Section 17-17-0103-C.~~

SECTION 193. The table in Section 17-10-0207 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

District

Minimum Automobile Parking Ratio (per unit or gross floor area)
Minimum Bike Parking

(Omitted text is unaffected by this ordinance.)

17-10-0207-M Parking Group M.
(Retail, Body Art, Eating and Drinking Establishments, Food and Beverage Sales, Participant Sports and Recreation, Fortune Telling, Personal Service, Auto Supply/Accessory Sales, Artist Work or Sales Space, Copying and Reproduction)

B, C, M dash 1, 1.5, 2
Health Clubs: as required by Sec. ~~4-4-312~~ 4-6-020 of the Municipal Code
Participant Sports and Recreation: 1 per 10 persons capacity
All other: None for first 4,000 square feet then 2.5 spaces per 1,000 square feet
1 per 5 auto spaces

B, C, M dash 3
Health Clubs: as required by Sec. ~~4-4-312~~ 4-6-020 of the Municipal Code

Participant Sports and Recreation: 1 per 10 persons capacity
None for first 10,000 square feet then 2.5 spaces per 1,000 square feet

B, C, M dash 5
Health Clubs: as required by Sec. ~~4-4-312~~ 4-6-020 of the Municipal Code
Participant Sports and Recreation: 1 per 10 persons capacity
None for first 35,000 square feet or 2 × lot area, whichever is greater, then 1.33 spaces per 1,000 square feet

(Omitted text is unaffected by this ordinance)

17-10-0207-T Parking Group T.
(Medical Service, Children's ~~Activities Facility~~ Play Center)

(Omitted text is unaffected by this ordinance)

SECTION 194. Section 17-11-0206-H of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-11-0206-H Existing Garages.

6. For purposes of this section ~~(17-10-1009)~~ 17-11-0206-H only, "nonresidential parking garage" means any parking structure licensed or required to be licensed under ~~this Zoning Ordinance~~ Chapter 4-232 of this Code where 45% or more of the parking spaces are available to the public for a fee.

SECTION 195. Section 17-13-1404 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-13-1404 Community Homes.

17-13-1404-A No building may be occupied as a *family community home* or *group community home* until a Certificate of Occupancy has been issued by the Office of the Zoning Administrator. No Certificate of Occupancy may be issued for a *family community home* or *group community home* unless the Zoning Administrator determines that the proposed Community Home complies with all applicable zoning regulations and ~~that the operator of the proposed Community Home~~ has been ~~authorized and~~ licensed ~~by the appropriate state agency to operate the Community Home~~ as an adult family care home (in the case of a *family community home*) pursuant to Section 4-6-110, or an adult family care center (in the case of a *group community home*) pursuant to Section 4-6-080(a).

(Omitted text is unaffected by this ordinance)

SECTION 196. Section 17-14-0202-M of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-14-0202-M Notwithstanding any other ordinance or provision of this Municipal Code, the Zoning Administrator is authorized to issue zoning certification for a liquor license for a ~~private~~ special club licensed pursuant to Chapter 4-388, and located in the Wrigley Field Adjacent Area as defined in Section 4-388-010(b). Additionally, the Zoning Administrator may waive any applicable setback requirement for a building in the Wrigley Field Adjacent Area that existed as of January 1, 1999, if such a waiver is necessary to effectuate the special club license provisions of Chapter 4-388. The Zoning Administrator may waive any *bulk* and *density* standards so long as the waiver does not permit more than a cumulative 15% variation from the *bulk* and *density* of the parcel that lawfully existed in the Wrigley Field Adjacent Area as of January 1, 1999, if such a waiver is necessary to effectuate the Special Club License Provisions of Chapter 4-388.

(Omitted text is unaffected by this ordinance)

SECTION 197. Section 17-15-0307 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-15-0307 Vacation rentals – Nonconforming use.

(Omitted text is unaffected by this ordinance.)

Nothing in this section shall be construed as authorizing the operation of a vacation rental without any license required by the Municipal Code. If an owner of a vacation rental fails to obtain a vacation rental license pursuant to ~~Chapter 4-207~~ Section 4-6-300 within 180 days after the effective date of this 2010 ordinance, the vacation rental shall no longer be deemed as a legal nonconforming use.

SECTION 198. Section 17-17-0102-A of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

(Omitted text is unaffected by this ordinance.)

17-17-0102-A Group Living. Residential occupancy of a dwelling by other than a "*household*", typically providing communal kitchen/dining facilities. Examples of *group living* uses include but are not limited to fraternities, sororities, convents, monasteries, *nursing homes* and the following specific use types:

1. Assisted Living. A facility that meets the definition of: (1) an "assisted living establishment" or (2) a "shared housing establishment" as those terms are defined in the Assisted Living and Shared Housing Act, 210 ILCS 9/1, et seq., as amended.

(Omitted text is unaffected by this ordinance.)

3. Community Home. An adult family care ~~facility~~ home or adult family care center, as ~~that~~ those terms ~~is~~ are defined in Sections ~~4-97-010~~ 4-6-110 and 4-6-080(a), respectively ; or a single ~~dwelling~~ *dwelling unit* occupied on a permanent basis by a group of unrelated persons with disabilities in a family-like environment, and which may be occupied by paid professional support staff provided by a sponsoring agency.

(a) Community Home, Family.

(i) An adult family care home, as that term is defined in Section ~~4-97-010~~ 4-6-110; or

(ii) A single *dwelling unit* that complies with the regulations of the zoning district in which it is located, and which is occupied on a permanent basis by a group of not more than 8 unrelated persons with disabilities in a family-like environment and which may be occupied by paid professional support staff provided by a sponsoring agency.

(b) Community Home, Group.

(i) An adult family care center, as that term is defined in Section ~~4-97-010~~ 4-6-080(a); or

(ii) A single *dwelling unit* that complies with the regulations of the zoning district in which it is located, and which is occupied on a permanent basis by a group of not less than 9 and not more than 15 unrelated persons with disabilities in a family-like environment and which may be occupied by paid professional support staff provided by a sponsoring agency.

(Omitted text is unaffected by this ordinance)

5. Nursing Home. A ~~facility that meets the definition of a "nursing home" established in~~ "skilled care facility," "intermediate care facility," "sheltered care facility" or similar "long-term care facility," as those terms are defined in the Illinois Nursing Home Care Act (210 ILCS 45/) and/or Title 77 Ill. Adm. Code Part 300.

(Omitted text is unaffected by this ordinance.)

SECTION 199. Section 17-17-0104-S of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-17-0104-S Lodging. Provision of *lodging* services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are *lodging* use types:

(Omitted text is unaffected by this ordinance.)

3. Vacation Rental. A dwelling unit that is not owner-occupied and contains 6 or less sleeping rooms that are available for rent or for hire for transient occupancy by guests. The term "guests" does not include members of the owner's household. The term "vacation rental" shall not include: (i) single- room occupancy buildings or bed-and-breakfast establishments, as those terms are defined in Section 13-4-010; (ii) hotels, as that term is defined in Section 4-6-180 ~~4-208-010~~ of this code; (iii) any dwelling unit for which a tenant has a month-to-month rental agreement, as that term is defined in Section 5-12-030 and the rental payments are paid on a monthly basis; or (iv) Corporate Housing, as ~~For purposes of this definition, "Corporate Housing" has the same meaning ascribed~~ that term is defined in section ~~4-207-010~~ 4-6-300.

SECTION 200. Section 17-17-0104-AA of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-17-0104-AA Sports and Recreation, Participant. Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

1. Amusement Arcades. A place of amusement that includes 4 or more automatic amusement ~~machines or~~ devices as defined in ~~Chapter 4-156~~ Section 4-6-120, "~~Amusements~~ Automatic amusement operator" of the Municipal Code, whether directly or remotely operated or controlled; provided, however, that when calculating the number of automatic amusement devices, jukeboxes will not be counted.

(Omitted text is unaffected by this ordinance.)

5. Children's ~~Activities Facility~~ Play Center. "Children's ~~activities facility~~ play center" ~~or "facility"~~ means any ~~person who~~ institution or place, regardless of nomenclature, where the primary business activity is to provides recreational~~, cognitive or educational~~ activities to children ~~17 years or younger~~ who are apart from their parent or guardian. A "Children's ~~activities facility~~ play center" ~~shall~~ does not include the following:

(1) any programs operated by private entities on the grounds of public or private elementary schools or secondary schools;

(2) any programs operated by a public or private schools or secondary level schools;

(3) any programs operated by the State Board of Education or the Board of Education of Chicago;

(4) any programs operated by government agencies or conducted on government premises;

(5) any programs operated by or conducted on the premises of a colleges or ~~universities~~ university;

(6) any programs operated primarily for religious instruction;

(7) any programs operated by a hospitals or other health care ~~facilities~~ facility;

~~(8) any day care center licensed or required to be licensed by the federal, state or local government; or~~

(8) any entity, location or place licensed or required to be licensed as a public place of amusement pursuant to ~~this code~~ Chapter 4-156 of this Code; or

(9) any person providing one-on-one recreational, cognitive or educational activities to a child in a dwelling unit, as defined in Section 17-17–0248, in which the person or child resides.

SECTION 201. Section 17-17-0104-CC of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-17-0104-CC Vehicle Sales and Service. Sales of *motor vehicles* or services related to *motor vehicles*. The following are *vehicle sales and service* use types:

(Omitted text is unaffected by this ordinance.)

3. Motor Vehicle Repair Shop. A *building*, structure, premises, enclosure or other place, including automobile service stations, garages and *motor vehicle* service ~~establishments~~ shops, where the business of doing repair work on or for *motor vehicles*, ~~the replenishing~~ replacing ~~of~~ motor vehicle parts ~~thereto~~, or ~~the diagnosis of~~ diagnosing malfunctions of a *motor vehicle* is conducted in any facility, shop, drive-in station or garage ~~that~~ which inspects *motor vehicles* for the purpose of appraising, evaluating or estimating the extent or value of *motor vehicle* damage or the necessity or cost of *motor vehicle* repairs. A *motor vehicle repair shop* shall also includes any business, establishment or location where tires are collected, stored, maintained, altered, refabricated, disposed of, replaced, changed or repaired; provided, however, this definition shall not include any business operated under a certificate of authority issued under Chapter 215 of the Illinois Compiled Statutes, nor any person set forth in subsection (c) of Section 4-228-020.

(Omitted text is unaffected by this ordinance)

SECTION 202. Table 18-27-700.5 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

Table 18-27-700.5
Emergency System Type Required – By Use (9, 10)

Building Use	**Occupancy Class**	**Application Provisions (Capacity, Height, Area)**	**System Type**		
			I	**II**	**III**

(Omitted text is unaffected by this ordinance)

Day Care or Child Care Center Institutional or 24 Hr. *(Omitted text in this column unaffected by this ordinance)*	*(Omitted text in this column unaffected by this ordinance)*	2 floors or more, or more than 20 persons, or day care centers, as defined in ~~Chapter 4-72~~ Section 13-4-010 that operate between the hours of 9:00 p.m. and 6:00 a.. *(Omitted text in this column unaffected by this ordinance)*	*(Omitted text in this column unaffected by this ordinance)*

(Omitted text is unaffected by this ordinance)

SECTION 203. The commissioner of business affairs and consumer protection shall not issue or renew any cigarette-vending machine operator license.

SECTION 204. The commissioner of business affairs and consumer protection is authorized to apply the issuance and license fee requirements of this ordinance to new applications and license renewals, as appropriate.

SECTION 205. Section 4-72-065 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 206. Section 4-228-048 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 207. This ordinance shall take full force and effect on January 1, 2013. Provided, however, that:

(1) SECTION 4, SECTION 191, SECTION 192, SECTION 205 and SECTION 206 shall take full force and effect upon passage and approval;

(2) SECTION 203 shall take full force and effect upon passage and publication;

(3) SECTION 204 shall take full force and effect 90 days after passage and publication; and

(4) SECTION 9, SECTION 13, SECTION 29, SECTION 31, SECTION 32 AND SECTION 37 shall take full force and effect after the expiration of all cigarette-vending machine operator licenses issued or renewed by the City's Commissioner of Business Affairs and Consumer Protection.