CHICAGO MUNICIPAL CODE

(abridged)

Downloaded 2005

Link 1:
http://library7.municode.com/gateway.dll/IL/illinois/7737?fn=document-frameset.htm$f=templates$3.0

Link 2 (at Dept. Animal Control):
http://egov.cityofchicago.org:80/city/webportal/portalContentItemAction.do?BV_SessionID=@@@@0821245620.1117837949@@@@&BV_EngineID=ccceaddejmmdijmcefecelldffhdffn.0&contentOID=536925898&contenTypeName=COC_EDITORIAL&topChannelName=Dept&blockName=Animal+Care+and+Control%2FI+Want+To&context=dept&channelId=0&programId=0&entityName=Animal+Care+and+Control&deptMainCategoryOID=

Comment 1:
(from Chicago Public Library, 400 S State, 5th fl. south)
http://www.chipublib.org/branch/details/library/harold-washington/p/Gpdmrc/:

The Municipal Reference Collection is a comprehensive group of documents from the City of Chicago, the Chicago Housing Authority, and the other local taxing bodies in the City. Other materials include an extensive local newspaper clipping file and public policy papers.

Collection Highlights:

- Chicago Municipal Code 1837 to date, the most up-to-date and easiest to use Municipal Code in the City, due to special indexing and updating
- Chicago Zoning Ordinance 1923 to date
- Journal of the City Council 1858 to date
- Chicago Building Code 1903 to date, (earlier codes to 1837 are found in the Municipal Code)
- Historical and current annual reports, statistical reports, budgets and other documents from other city departments

Comment 2:
When I searched for ordinances in 2006, the City of Chicago municipal corporation didn't have its ordinances available on its website (www.cityofchicago.org) except for a few selections that a few departments had uploaded to their pages.

The ordinances and indexing that follow were found at Link 2 below. The provisions are reformatted for readability.

The indexing of Chicago ordinances is a problem.

For example, Title 2 joins provisions that

- create, ordain, or grant human rights to people doing business with city departments; as well as people who do business with privately-owned, but so-called public establishments,
- create the Bureau of Forestry.

Yet, the city has no power to create, ordain or grant human rights. The city is obligated to govern its relationships with its constituents according to a national standard on human rights to ensure the equality of and equal protection of the rights of all American people.

The city is also obligated to protect the personal and property rights of private property owners according to a national standard on personal and property rights to ensure the equality of and equal protection of the rights of all American people.

My experiences indicate that Title 2 doesn't indicate that Chicago aldermen have made an important connection that exists between a national standard on personal and property rights, and the organization of a service provider known as the Bureau of Forestry that deals mainly with trees and whatever shrubs the municipal corporation owns.

TITLE 2

Chapter 2-160 HUMAN RIGHTS

2-160-010 Declaration of city policy.

It is the policy of the City of Chicago to assure that all persons within its jurisdiction shall have equal access to public services and shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this city.

The city council of the City of Chicago hereby declares and affirms: that prejudice, intolerance, bigotry and discrimination occasioned thereby threaten the rights and proper privileges of the city's inhabitants and menace the institutions and foundation of a free and democratic society; and that behavior which denies equal treatment to any individual because of his or her race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income undermines civil order and deprives persons of the benefits of a free and open society.

Nothing in this ordinance shall be construed as supporting or advocating any particular lifestyle or religious view. To the contrary, it is the intention of this ordinance that all persons be treated fairly and equally and it is the express intent of this ordinance to guarantee to all of our citizens fair and equal treatment under law.

(Prior code § 199-1; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3)

2-160-020 Definitions.

Whenever used in this chapter:

(a) "Age" means chronological age of not less than 40 years.

(b) "Credit transaction" means the grant, denial, extension or termination of credit to an individual.

(c) "Disability" means:

(i) a determinable physical or mental characteristic which may result from disease, injury, congenital condition of birth or functional disorder including, but not limited to, a determinable physical characteristic which necessitates a persons's use of a guide, hearing or support dog; or
(ii) the history of such a characteristic; or
(iii) the perception of such a characteristic by the person complained against.

(d) "Employee" means an individual who is engaged to work in the City of Chicago for or under the direction and control of another for monetary or other valuable consideration.

(e) "Employment agency" means a person that undertakes to procure employees or opportunities to work for potential employees, either through interviews, referrals, advertising or any combination thereof.

(f) "Gender identity" means the actual or perceived appearance, expression, identity or behavior, of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.

(g) "Marital status" means the legal status of being single, married, divorced, separated or widowed.

(h) "Military discharge status" means the fact of discharge from military status and the reasons for such discharge.

(i) "Parental status" means the status of living with one or more dependent minor or disabled children.

(j) "Public accommodation" means a place, business establishment or agency that sells, leases, provides or offers any product, facility or service to the general public, regardless of ownership or operation (i) by a public body or agency; (ii) for or without regard to profit; or (iii) for a fee or not for a fee. An institution, club, association or other place of accommodation which has more than 400 members, and provides regular meal service and regularly receives payment for dues, fees, accommodations, facilities or services from or on behalf of nonmembers for the furtherance of trade or business shall be considered a place of public accommodation for purposes of this chapter.

(k) "Religion" means all aspects of religious observance and practice, as well as belief, except that with respect to employers "religion" has the meaning ascribed to it in Section 2-160-050.

(l) "Sexual orientation" means the actual or perceived state of heterosexuality, homosexuality or bisexuality.

(m) "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or

(3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(n) "Source of income" means the lawful manner by which an individual supports himself and his or her dependents.

(Prior code § 199-2; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3)

2-160-030 Unlawful discriminatory activities designated.

No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income. No employment agency shall directly or indirectly discriminate against any individual in classification, processing, referral or recommendation for employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income. The prohibitions contained in this paragraph shall not apply to any of the following:

(a) use of an individual's unfavorable discharge from military service as a valid employment criterion where (i) authorized by federal law or regulation; or (ii) where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the dishonorable discharge related to his or her fiduciary capacity;

(b) hiring or selecting between individuals for bona fide occupational qualifications; and

(c) giving preferential treatment to veterans and their relatives as required by federal or state law or regulation.

(Prior code § 199-3; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3)

2-160-040 Sexual harassment.

No employer, employee, agent of an employer, employment agency or labor organization shall engage in sexual harassment.

An employer shall be liable for sexual harassment by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(Prior code § 199-4; Added Coun. J. 12-21-88, p. 23526)

2-160-050 Religious beliefs and practices.

No employer shall refuse to make all reasonable efforts to accommodate the religious beliefs, observances and practices of employees or prospective employees unless the employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

Reasonable efforts to accommodate include, but are not limited to allowing an employee:

(i) to take a day of paid leave or vacation, where applicable under the employee's employment agreement; or
(ii) to be excused from work without pay and without discipline or other penalty; or
(iii) to elect to take the day off with pay in order to practice the employee's religious beliefs, and to make up the lost work time at a time and date consistent with the operational need of the employer's business.

Any employee who elects such deferred work shall be compensated at his or her regular rate of pay, regardless of the time and date at which the work is made up. The employer may require that any employee who plans to exercise option (iii) of this subsection provide the employer with notice of the employee's intention to do so, no less than five days prior to the date of absence.

(Prior code § 199-5; Added Coun. J. 12-21-88, p. 23526)

2-160-060 Discriminatory practices--Credit transactions.

No person shall discriminate against any individual in any aspect of a credit transaction, or in any terms and conditions of bonding because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income.

(Prior code § 199-6; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3)

2-160-065 Matricula consular identification cards.

(a) Recognition of Mexican Matricula Consular Cards as valid identification.

When requiring members of the public to provide identification, each city department shall accept as valid identification of the person a "Matricula Consular" identification card issued by the Mexican Consulate.

(b) Recognition of other Latin American Matricula Consular Cards as valid identification.

When requiring members of the public to provide identification, each city department shall accept as valid identification of the person a "Matricula Consular" identification card issued by any other Latin American country that is represented by a consulate office in the City of Chicago, to its citizens or nationals if the issuing country's consulate has certified to the City of Chicago that the identification card meets the following security requirements:

(1) the issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and

(2) the card holder was required to provide proof of identity, nationality and address in order to obtain the card; and

(3) the card had a photograph of the person, the person's date of birth and the person's current local address; and

(4) the card has physical security features reasonably designed to protect against fraud and counterfeit reproduction, including the use of bonded paper, lamination, a hologram, and an embedded signature of the issuing officer and serialization.

(c) The office of the superintendent of police shall compile and make available to the members of the Chicago City Council and the city departments a list of the types of identification cards and the issuing countries that have certified to the office of the superintendent of police that their identification cards meet the requirements of this section.

(d) The requirements of this section do not apply under circumstances where (1) a federal or state statute, administrative regulation or directive, or court decision requires the city to obtain different identification, (2) a federal or state statute or administrative regulation or directive preempts local regulation of identification requirements, or (3) the city would be unable to comply with a condition imposed by a funding source, which would cause the city to lose funds from that source.

(e) Nothing in this section is intended to prohibit city departments from (1) asking for additional information from individuals in order to verify a current address or other facts that would enable the department to fulfill its responsibilities, except that this section does not permit the department to require additional information solely in order to establish identification of the person when the Matricula Consular Card is the form of identification presented, or (2) using fingerprints for identification purposes under circumstances where the department also requires fingerprints from persons who have a driver's license or state identification card.

(Added Coun. J. 6-19-02, p. 88685, § 1; Amend Coun. J. 7-21-04, p. 27697, § 1)

2-160-070 Discriminatory practices--Public accommodations.

No person that owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income. The prohibition contained in this section shall not apply to the following:

(a) a private club or other establishment not in fact open to the public, except to the extent that the products, facilities or services thereof are made available to the general public or to the customers or patrons of another establishment that is a public accommodation;

(b) any facility, as to discrimination based on sex, which is distinctly private in nature, such as restrooms, shower rooms, bathhouses, dressing rooms, health clubs;

(c) any facility, as to discrimination based on sex, which restricts rental of residential or sleeping rooms to individuals of one sex;

(d) any educational institution, as to discrimination based on sex, which restricts enrollment of students to individuals of one sex; and

(e) notwithstanding subsections (a) through (d) above, any person may use a public accommodation or any of its products, facilities or services that are open to persons of the sex or gender reflected on any government issued identification of that individual including a driver's license, a state identification card or passport.

(Prior code § 199-7; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 11-6-02, p. 96031, § 3)

2-160-080 Exemptions for certain religious organizations.

Nothing in this chapter shall apply to decisions of a religious society, association, organization or institution affecting the definition, promulgating or advancement of the mission, practices or beliefs of the society, association, organization or institution.

(Prior code § 199-8; Added Coun. J. 12-21-88, p. 23526)

2-160-090 Violation--Investigation by commission on human relations--Prosecution.

The Chicago commission on human relations shall receive and investigate complaints of violations of this chapter, except where such duty is modified by intergovernmental agreement, and shall prepare and provide necessary forms for such complaints. No person shall refuse or fail to comply with any subpoena, order or decision issued in the course of or as a result of an investigation.

(Prior code § 199-9; Added Coun. J. 12-21-88, p. 23526; Amend Coun. J. 3-21-90, p. 13523; Amend Coun. J. 7-8-98, p. 72893)

2-160-100 Retaliation prohibited.

No person shall retaliate against any individual because that individual in good faith has made a charge, testified, assisted or participated in an investigation, proceeding or hearing under this chapter.

(Prior code § 199-10; Added Coun. J. 12-21-88, p. 23526)

2-160-110 Construction of chapter provisions.

The provisions of this chapter shall be liberally construed for the accomplishment of the purpose hereof. Nothing in this chapter shall be construed to limit rights granted under the laws of the State of Illinois or the United States.

(Prior code § 199-11; Added Coun. J. 12-21-88, p. 23526)

2-160-120 Violation--Penalty.

Any person who violates any provision of this ordinance as determined by this commission shall be fined not less than $100.00 and not more than $500.00 for each offense. Every day that a violation shall continue shall constitute a separate and distinct offense.

(Prior code § 199-12; Added Coun. J. 12-21-88, p. 23526; Amend Coun. 7-8-98, p. 72893)

TITLE 2

ARTICLE VIII. BUREAU OF FORESTRY*

*Editor's note: Amend Coun. J. 10-3-01, p. 68141, § 1, amended the title of Art. VIII to read as herein set out. Prior to inclusion, Art. VIII was entitled, "Bureau of Forestry, Parkways and Beautification." See the Code Comparative Table.

2-100-170 Established--Composition and supervision.

There is hereby established a bureau in the department of streets and sanitation which shall be known as the bureau of forestry. The bureau shall be under the direction of a deputy commissioner of streets and sanitation whose duty it shall be to assist the commissioner of streets and sanitation in the supervision, planting and maintenance of parkways, trees, plants and shrubbery in the public ways.

(Prior code § 14-22; Amend Coun. J. 10-3-01, p. 68141, § 1)

2-100-180 Reserved.

Editor's note: Amend Coun. J. 10-3-01, p. 68141, § 1 repealed § 2-100-180, which pertained to general superintendent--powers and duties. See the Code Comparative Table.

2-100-190 Deputy commissioner--Appointment and authority.

The commissioner of streets and sanitation is hereby authorized to appoint a deputy commissioner of the bureau of forestry.

The general superintendent of the bureau of forestry shall have the following powers and duties:

- superintend, regulate and encourage the preservation, culture and planting of shade and ornamental trees, plants and shrubbery in the public ways of the city;
- prune, spray, cultivate and otherwise maintain such trees, plants and shrubbery, and to direct the time and method of trimming the same;
- advise, without charge, owners and occupants of lots regarding the kind of trees, plants and shrubbery and the method of planting best adapted to, or most desirable on, particular streets;
- take such measures as may be deemed necessary for the control and extermination of insects and other pests and plant diseases with may injuriously affect trees, plants or shrubs that are now growing on the public ways of the city;
- report to the corporation counsel all cases which come to his knowledge of violations of provisions of this Code respecting trees, plants and shrubbery;
- keep a record of all transactions of his office, subject to such rules and regulations as the commissioner of streets and sanitation may prescribe, and whenever the commissioner of streets and sanitation may require, make a full and detailed report of such transactions;

(Prior Code § 14-24; Amend Coun. J. 10-3-01, p. 68141, § 1)

TITLE 7 HEALTH AND SAFETY

Chapter 7-12 ANIMAL CARE AND CONTROL

7-12-010 Commission established--Executive director--Terms of members.

There is hereby established a commission to be known as the "commission on animal care and control, City of Chicago." Said commission shall consist of nine members to be appointed by the mayor, three of whom shall be members, respectively, of the police department, health department, and the department of streets and sanitation; with the remaining six members to include at least one representative of a humane society as hereinafter defined, at least one veterinarian licensed under the laws of the State of Illinois, and at least three private citizens. All commission members shall serve as such without compensation.

The mayor shall appoint an executive director who shall function as hereinafter set forth, subject to administrative and operating policies to be established by the commission. The salary of the executive director and other persons employed by the commission shall be as provided for in the annual appropriation ordinance. The commission shall function as an advisory body to the mayor and to the executive director and shall be responsible for the promulgation of such administrative policies and rules as are necessary to implement the enforcement of this ordinance. The mayor shall designate one of its members to act as chairman for a term of 12 months, subject to redesignation for any number of additional terms of two years. The commission shall meet at least once every three months, unless otherwise determined by the commission or when called upon to do so by the chairman.

Each commission member shall serve for a period of two years from date of appointment, subject to reappointment by the mayor for any number of additional terms of two years, except that four of the initial appointments as designated by the mayor shall be for a term of only one year. Each commission member shall serve until a successor has been appointed by the mayor. The mayor shall appoint members to fill vacancies which may occur due to death, resignation or incapacity.

(Prior code § 98-1)

7-12-020 Definitions.

As used in this chapter, the following are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that a different meaning is intended:

"Animal" means any living vertebrate, domestic or wild, not including man.

"Animal control center" means a facility operated by and under the direct supervision of the executive director of the commission for the purpose of impounding animals as henceforth set out in this chapter.

"Animal control officer" means an employee of the commission who shall be responsible to it and the executive director and have the power and authority to issue citations for any violations of this ordinance relating to the care, treatment, control or impoundment of animals.

"Animal exhibition" means any public or private animal exhibition staged temporarily or permanently, with or without charge to viewers, in compliance with applicable ordinances of the City of Chicago, statutes of the State of Illinois, and federal laws, including but not limited to zoos, circuses, rodeos, dog shows, cat shows, livestock exhibitions, horse shows, other shows or exhibitions utilizing or displaying animals, and businesses or business centers of any kind that place animals on display to the public for promotion or advertising purposes.

"Animal under restraint" means any animal either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or on the premises of another person with the consent of that person, or within an area specifically designated by the commission as an animal exercise run when said animal is under the control of a competent person. "Bite" means seizure with the teeth or jaws of an animal so that the skin of the human being or animal seized has been pierced or broken and further includes contact of the saliva of the biting animal with any break or abrasion of the skin of the human being or animal bitten.

"Cat" means any live male or female cat (Felis catus).

"Cattery" means any establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee or selling cats; provided, however, that the ownership of cats which are a part of the household shall not constitute the operation of a cattery. "Cattery" shall not include any animal control center as defined in this ordinance, any pound or similar facility operated by any subdivision of local, state or federal government, any humane society, any veterinary hospital, any research facility subject to inspection under separate provisions of local, state and/or federal law.

"Dangerous animal" means an animal meeting any one of the following criteria:

(1) any animal which bites, inflicts injury on, kills or otherwise attacks a human being or domestic animal without provocation on any public or private property; or

(2) Any animal which on more than one occasion, without provocation, chases or approaches any person in an apparent attitude of attack, on any public property or in any place outside or over the boundaries of its owner's property; or

(3) Any animal owned or harbored primarily or in part for the purpose of dog or other animal fighting or any animal trained for dog or other animal fighting; or

(4) Any dog that is used by a commercial venture to guard public or private property, except those owned by a governmental or law enforcement unit; or

(5) Any animal which has been found to be a vicious dog under state law.

"Dog" means any live male or female dog (Canis familiaris).

"Euthanasia" or "humane destruction" means death brought about by any method which produces instant loss of consciousness and

results in painless death.

"Executive director" means the individual appointed by the mayor to

(1) supervise and administratively direct the work of the animal control center or centers as established by and defined in this ordinance,

(2) coordinate the activities of the animal control center or centers with the activities of other animal control and regulatory agencies within the State of Illinois and with humane societies as such societies are hereinafter defined,

(3) supervise and administratively direct any neutering and spaying clinic established by the commission,

(4) formulate and direct an educational program to develop better animal care.

"Horse" means an animal of the genus equus.

"Humane society" means any not-for-profit corporation chartered under the laws of the State of Illinois for the object of animal welfare.

"Impounded" means having been taken into the custody of the commission or any other facility licensed pursuant to this ordinance for such purpose.

"Kennel" means any establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee or selling dogs; provided, however, that the ownership of dogs which are a part of the household shall not constitute the operation of a kennel. "Kennel" shall not include any animal control center as defined in this ordinance, any kennel or pound or training facility operated by any subdivision of local, state or federal government, any humane society, any veterinary hospital, any research facility subject to inspection under separate provisions of local, state and/or federal law.

"Licensed dog" means any dog four months of age or older for which the owner can produce proof of having paid the license fee for the current year.

"Microchip" means a passive electronic device that is injected into an animal by means of a prepackaged sterilized implanting device for purposes of identification or recovery.

"Other enterprise" means any public or private animal exhibition staged temporarily or permanently, with or without charge to viewers, in compliance with applicable ordinances of the City of Chicago, statutes of the State of Illinois, and federal laws, including but not limited to zoos, circuses, rodeos, dog shows, cat shows, livestock exhibitions, horse shows, other shows or expositions utilizing or displaying animals, and businesses or business centers of any kind that place animals on display to the public for promotion or advertising purposes.

"Owner" means any person having a right of property in an animal or who keeps or harbors any animal or who has an animal in his care or custody.

"Person" means any individual, firm, corporation, partnership, association or other legal entity.

"Pet" means any species of domesticated animals customarily regarded as suited to live within an abode used for human occupancy.

"Pet shop" means any establishment wherein any person engages in the business of selling two or more species of animals suitable for use as pets.

"Provocation" means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

"Severe injury" means any physical injury that results in broken bones or lacerations requiring sutures or cosmetic surgery.

"Snakehead fish" means a fish of the Family Channidae.

"Sterilization" or "sterilize" means the rendering of an animal unable to reproduce by surgically altering the animal's reproductive organs. Sterilization includes the spaying of a female dog or cat, or the neutering of a male dog or cat.

"Stray animal" means any animal not under restraint and not in the presence of its owner.

"Vaccination" means the injection, as approved by the Department of Agriculture, State of Illinois, of an antirabies vaccine approved by said department, with verification thereof consisting of a current certificate and current tag issued in accordance with the statutes of the State of Illinois.

"Veterinarian" means a practicing veterinarian licensed by the State of Illinois.

"Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for diagnosis, treatment and/or surgery of diseases and injuries of animals.

"Visiting hours" means posted days and hours during which an animal control center operated by the commission on animal care and control shall be kept open to the public for the transaction of appropriate business, as established by the executive director.

(Prior code § 98-2; Amend Coun. J. 10-16-84, p. 10165; Amend Coun. J. 10-2-95, p. 8604; Amend Coun. J. 4-16-97, p. 42589; Amend Coun. J. 12-12-01, p. 75777, § 4.1; Amend Coun. J. 10-2-02, p. 94895, § 1; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-030 Animals shall be restrained.

Each owner shall keep and maintain his animal under restraint; provided, however, that this section shall not apply to any dog being used for rescue or law enforcement work. It shall be unlawful for any owner to allow his or her animal to cross outside the property line of its owner to any extent, including reaching over or under a fence, or to keep or allow his or her animal to be outdoors on an unfenced portion of the owner's property, unless the animal is leashed and under the control of its owner or another responsible person. In addition, it shall be an unlawful failure to restrain for an animal to attack, bite, threaten, or jump on any person without that person's consent, outside the property of the animal's owner. The provisions of this section shall be a positive duty of the owner and the offenses described herein shall be strict liability offenses.

Any owner who violates any provision of this section shall be subject to a fine of $300.00, if the violation does not result in severe injury or death to any person or damage to another person's property. If the violation results in severe injury or death to any person, the owner shall be subject to a fine of not less than $1,000.00 and not more than $10,000.00. In addition to a fine, the owner may be required to submit full restitution to the victim or may be incarcerated for a period not to exceed six months, or may be required to perform up to 100 hours of community service, or any combination thereof. If the violation results in damage to another person's property, the owner shall be subject to a fine of not less than $300.00 and not more than $1,000.00. In addition to a fine, the owner may be required to submit full restitution to the victim.

(Prior code § 98-3; Amend Coun. J. 10-2-95, p. 8604; Amend Coun. J. 10-31-01, p. 71774, § 1; Amend Coun. J. 3-31-04, p. 20916, § 3.25)

7-12-040 Impounding stray and unlicensed animals.

Any stray animal and any animal without a current license that is found in the public way or within a public place or upon private premises of any person other than the owner shall be immediately impounded by an animal control officer.

(Prior code § 98-3.1; Amend Coun. J. 10-2-95, p. 8604)

7-12-050 Dangerous animals--Determination and requirements.

The executive director shall have the authority to make a determination that an animal is a dangerous animal, as defined in Section 7-12-020, and to order the owner to comply with any of the measures set forth below for the protection of public health, safety and welfare.

(a) Upon receipt of a citizen complaint or other report of an animal bite, attack, threatening behavior, or other reason to believe an animal may be a dangerous animal, the executive director or an animal control officer shall evaluate the seriousness of the complaint or report and, if the circumstances warrant, may conduct an investigation of the facts. Where practicable and readily located, the investigation shall include interviewing the complainant, the victim, if any, the animal's owner, and any witnesses, and observation of the animal and the scene. The investigator then shall make a written finding of whether an animal is a dangerous animal as defined in Section 7-12-020 and of the basis for that finding. In addition, if during the course of the investigation, the investigator uncovers evidence of inhumane treatment of any animal in violation of Section 7-12-090, he or she shall make a written finding of the specific violation and forward such to the executive director. For purposes of this section, a police report may constitute an investigation and may include a finding of dangerousness. Based upon the investigator's finding of a dangerous animal, the executive director shall declare in writing whether the animal is a dangerous animal.

(b) Where an animal is declared to be a dangerous animal, and the animal has caused severe injury to any person, then the executive director may order the humane destruction of the animal, where appropriate, taking into consideration the severity and the circumstances of injury. Where an animal is declared to be a dangerous animal, and the animal has caused death to any person, then the executive director shall order the humane destruction of the animal.

(c) In all cases where an animal is declared to be a dangerous animal and the animal is not humanely destroyed, the executive director shall order the owner to comply with the following requirements:

(1) While on the owner's property, the owner must securely confine the dangerous animal indoors or within a securely enclosed and locked pen, structure, or fence, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, structure, or fence must be a minimum of six feet in height and must have secure sides. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet deep. The enclosure also must be humane and provide some protection from the elements for the animal.

(2) While off of the owner's property, a dangerous animal must be muzzled securely to prevent the possibility of biting, restrained by a substantial chain or leash not exceeding six feet in length, and under the control of a responsible person at all times. The muzzle must be made in a manner that will not cause injury to the animal or impair its vision or respiration but must prevent it from biting any person or animal.

(3) The owner must display, in a conspicuous manner, a sign on the owner's premises warning that a dangerous animal is on the premises by stating in capital letters:
"Warning--Dangerous Animal--Keep Away."
The sign must be visible and legible from the public way and from 50 feet away from the special enclosure required pursuant to subsection (c)(1) above.

(4) The owner, at the owner's expense, shall have an identifying microchip installed under the animal's skin by a veterinarian authorized by the executive director.

(5) The animal shall be spayed or neutered, at the owner's expense.

(6) Within ten business days of the declaration that the animal

is a dangerous animal, the owner must procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the owner's animal, in an amount not less than $100,000.00. The insurance shall include a provision whereby the insurer notifies the executive director not less than 30 days prior to cancellation or lapse of coverage.

In addition, the executive director may order the owner to comply with any of the following requirements, in any combination:

(7) The owner must confine the dangerous animal to the secure enclosure described above in subsection (c)(1) at all times and only allow the animal out under the conditions set forth in subsection (c)(2) when it is necessary to obtain veterinary care for the animal or to comply with a court order.

(8) The owner and the animal must complete a course of animal obedience training approved by the commission.
In the alternative to (1)--(8) above, the executive director may order that the dangerous animal shall be permanently barred from the city limits.

(d) Where the owner's address can be reasonably ascertained, the executive director shall send written notice to the owner, by certified mail, stating that his or her animal has been declared a dangerous animal, describing the basis for such declaration by specific behavior and date(s) of occurrence, setting forth all applicable orders and restrictions imposed reason of such declaration, and informing the owner of his or her right to appeal such determination by filing a written request for a hearing within seven days of receipt of the notice. A copy of such notice shall be sent to the complainant, if any. Where the animal has been impounded pursuant to subsection (f) below, such notice shall be sent within 15 days after such impoundment.

(e) If the owner requests a hearing, the executive director, if the department of administrative hearings has not exercised jurisdiction in accordance with Section 2-14-190(c) of this Code, or the department of administrative hearings, if the office has exercised jurisdiction in accordance with Section 2-14-190(c) of this Code, shall appoint an administrative law officer who shall hold a hearing, at which all interested parties may present testimony and any other relevant evidence, within 15 days of the request. The hearing shall be taped or recorded by other appropriate means. If the administrative law officer upholds the executive director's determination that the animal is dangerous, the owner shall have 30 days to satisfy all requirements set out in subsection (c) and the notice. In those cases where the executive director has ordered humane destruction of the dangerous animal, that order shall not be carried out until seven days after the hearing; if the owner appeals to the circuit court during that time period, that order shall be stayed until resolution of such appeal.

(f) Where there is probable cause to believe that an animal is a dangerous animal, the executive director or his designee is authorized to impound and hold such animal, at the owner's expense, pending the investigation and final resolution of any appeals. Where the animal has caused severe injury or death to any person, the executive director or his designee is required to impound and hold such animal, at the owner's expense, pending the investigation and final resolution of any appeals. Moreover, in no event shall a dangerous animal be released to its owner before the executive director or his designee approves the enclosure required by subsection (c)(1). The holding period and impoundment procedures for animals of unknown ownership shall be governed by Section 7-12-060.

(g) Guard dogs and dogs which have been found to be "vicious dogs" under state law, both of which are defined in Section 7-12-020 above as dangerous animals, automatically are required to comply with the requirements of Section 7-12-050(c)(1)--(3) without the need for any individualized declaration or the right to any hearing, except that, to the extent an owner disputes the fact that his or her animal is used as a guard dog by a commercial venture, in such instances the protections set forth above shall apply.

(Added Coun. J. 10-2-95, p. 8604; Amend Coun. J. 7-10-96, p. 24983; Amend Coun. J. 11-12-97, p. 56814; Amend Coun. J. 4-29-98, p. 66565; Amend Coun. J. 10-31-01, p. 71774, § 2)

7-12-051 Dangerous animals--Violations.

(a) Any owner who fails to comply with any of the requirements of Section 7-12-050(c) and any additional orders of the executive director as authorized by that subsection shall be punished by a fine of not less than $200.00 nor more than $500.00 for the first offense, and not less than $500.00 nor more than $1,000.00 for the second offense. Any subsequent offenses shall be punished as a misdemeanor by incarceration for a term not to exceed six months. In addition to the penalties set forth above, the executive director may order an owner who violates Section 7-12-050(c) to attend with his or her animal a course of animal obedience training approved by the commission.

(b) Any animal which has been declared a dangerous animal and which (1) is seen outside and not confined within the enclosure required by Section 7-12-050(c)(1), and not muzzled and under control as required by Section 7-12-050(c)(2), or (2) thereafter attacks or injures a person or domestic animal, may be impounded by an animal control officer or a police officer, at the owner's expense, and the executive director may order the owner to comply with any of the alternatives set forth in Section 7-12-050(b) and (c), including humane destruction of the animal. The owner shall be entitled to notice and an opportunity for a hearing in the same manner as provided in Section 7-12-050(d) and (e) above.

(Added Coun. J. 10-2-95, p. 8604)

7-12-052 Dangerous animals--Miscellaneous.

(a) Every owner of a dangerous animal shall allow inspection of the required enclosure by the executive director or his designee.

(b) All dangerous animals as defined in this chapter are hereby declared to be a public nuisance; provided that they are lawful if maintained in strict compliance with the requirements set out in Section 7-12-050(c).

(c) The executive director and/or the commission are hereby authorized to enact regulations governing dangerous animals as are necessary to carry out the provisions of this chapter and to

promote the health, safety, and welfare of the public.

(d) Where an animal has caused severe injury or death to any person, but it is not found to be a dangerous animal on the grounds that the attack was provoked, the executive director shall advise the owner to comply with the safety measures set forth in Section 7-12-050(c) in order to protect the public health, safety and welfare.

(Added Coun. J. 10-2-95, p. 8604)

7-12-060 Redemption of impounded animals.

The commission or any agency the commission may designate to take possession of animals for the purposes of impounding, shall hold impounded animals for seven days, unless the owner redeems the animal sooner, during which time reasonable means shall be used to facilitate their return to the rightful owners. The owner of any animal impounded in any animal control center may, at any time during visiting hours at the animal control center, and before the sale or other disposal as provided in this ordinance, redeem such animal by paying the required fees or charges and, in the case of an unlicensed animal by complying with the license requirements.

The seven-day holding period shall not apply to an animal relinquished by its owner to the commission under owner signature authorizing the commission to make immediate disposition of the animal at its discretion, nor shall any required holding period apply to an animal received for impounding in obviously critical physical condition or for which immediate euthanasia shall be deemed proper for humane reasons by the executive director or the executive director's designee.

An animal of unknown ownership shall be held for a minimum of five days, or for such longer length of time as the executive director may deem necessary to permit location of and redemption by the rightful owner, except that wild animals which are noxious by their very nature such as wild rats, and undomesticated rodents may be euthanized at once following an examination for zoonotic diseases. Any animal remaining unredeemed after the prescribed holding period shall at once become the property of the commission.

(Prior code § 98-3.3; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-065 Impoundment of dogs and cats--Compulsory sterilization.

(a) Any fertile dog or cat impounded under this chapter pursuant to Sections 7-12-040 or 7-12-080 shall be sterilized prior to redemption, unless, in the determination of the executive director, the sterilization would endanger the life or health of the animal.

(b) The sterilization of the animal pursuant to this section shall be performed only after the owner, if known, is given notification either in person, or by certified mail, of the executive director's intent to sterilize the animal and informing the owner of his right to appeal such determination by filing a written request for a hearing within five days of the receipt of notice.

(c) If the owner requests a hearing, the administrative law officer shall be appointed by the executive director unless the department of administrative hearings has exercised jurisdiction in accordance with Section 2-14-190(c) of this Code, in which case the department of administrative hearings shall appoint the administrative law officer, who shall hold a hearing, at which all interested parties may present testimony and any other relevant evidence, within 15 days of the request. If the administrative law officer upholds the executive director's determination that the cat or dog is subject to the requirements of this section, then the executive director shall not sterilize the animal until seven days after the hearing; if the owner appeals to the circuit court during that time period, the order to sterilize the animal shall be stayed until resolution of such appeal.

(d) In addition to all other applicable fees, the cost of the sterilization shall be charged to the owner upon redemption.

(Added Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-070 Facilities to be used for impoundments.

For purposes of impoundment, the executive director shall utilize an animal control center or the facilities of any humane society properly equipped and willing to impound animals, or, if the animal shall be of a species that may be better or more safely impounded elsewhere, the executive director may designate an alternate facility that is properly equipped and willing to accept the animal.

(Prior code § 98-3.4)

7-12-080 Removal of neglected animal.

Whenever the executive director shall determine that any animal is kept within a building or upon any premises without food, water or proper care and attention for a period of time sufficient within his judgment to cause undue discomfort or suffering, and if the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstance, it shall be the duty of the executive director to obtain the necessary legal process to allow him or her to enter or to cause to have entered such building or premises to take possession and remove such animal to an animal control center or to a humane society or other appropriate agency equipped, able and willing to accept the animal.

The animal control center, humane society or other authorized receiving agency shall exercise due caution for the welfare and temporary safekeeping of any animal so removed, in conformance with policies to be prescribed by the commission. After due notification to the owner, or, if the owner cannot be located or contacted after reasonable effort by the animal control center, humane society or other authorized receiving agency, any animal so removed and unredeemed shall become the property of the commission and disposed of under policies prescribed by the commission.

(Prior code § 98-4)

7-12-090 Owner's responsibility where animal has bitten another animal or person.

It shall be the duty and responsibility of the owner of any animal which has bitten any other animal or person to notify the commission of such bite. It also shall be the duty and responsibility of the owner to surrender such animal to an animal control center within 24 hours after the animal has bitten any other animal or person, or to have such animal impounded at a humane society or other authorized agency provided that there is a veterinarian on the premises daily. If, however, a licensed veterinarian is presented evidence that such animal has been inoculated against rabies within the time prescribed by law prior to the biting, such animal shall be confined on the premises of its owner and in a manner which shall prohibit such animal from biting any other animal or person for a period of ten days; except that, where the animal bite has caused severe injury or death to a person, confinement on the owner's premises shall not be allowed. In the event of severe injury or death to a person, the executive director shall impound the animal, at the owner's expense, as set forth above in Section 7-12-050(f). It further shall be the duty and responsibility of the owner to have such animal examined by a licensed veterinarian on the first and tenth day of impoundment or confinement or as soon thereafter as possible; provided, that the impoundment or confinement of the animal described above shall not be terminated until examination by a veterinarian.

If an animal, which has bitten any animal or person, is to be impounded by the commission, the owner shall pay a $150.00 rabies observation fee to cover the cost of housing, food, veterinary services and any other service rendered to the animal. Prior to release of said animal, vaccination and license certificates must be presented to the executive director or the director's authorized representative. It shall be unlawful for the owner of any animal, when notified that the animal has bitten any person to sell, euthanize, inoculate, or give away the animal or to permit or allow the animal to be taken beyond the limits of the city.
The owner of any animal impounded for rabies observation who fails to pay the rabies observation fee as provided by this chapter shall be subject to a fine of $300.00 and any other costs incurred by the commission for the housing, care and treatment of the animal. Any person who violates any other provision of this section shall be fined 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.

(Prior code § 98-5; Amend Coun. J. 10-2-95, p. 8604; Amend Coun. J. 12-4-02, p. 99026, § 4.1; Amend Coun. J. 3-31-04, p. 20916, § 3.26)

7-12-100 Reserved.

Editor's note: Amend Coun. J. 12-1-04, p. 36205, § 1, repealed § 7-12-100, which pertained to animals for medical research. See also the Code Comparative Table.

7-12-110 Adoption of unredeemed animals.

The commission shall designate, and the executive director shall cause to have posted or published, the day or days of each week and the hours when unredeemed animals in possession of the commission shall be offered to the public for inspection and adoption. The executive director also shall designate, with the approval of the commission, reasonable ownership standards deemed necessary for the care of adoptive animals, including inoculation and enforcement of neutering and spaying requirements for all dogs and cats adopted.

(Prior code § 98-7)

7-12-115 Rabies vaccination; spay/neuter clinics.

(a) The commission and the executive director may establish and maintain one or more clinics for the administration of rabies vaccinations to, the sterilization of, and the implantation of microchips in cats and dogs owned by city residents.

(b) Persons who submit a dog or cat for any of the services specified in this section shall complete an application form promulgated by the executive director. The application shall include a consent form certifying that the applicant is the owner of the animal or is otherwise authorized to present the animal for the service. The consent form shall contain a waiver of liability of the city, the commission and the executive director, and any of their agents or employees, for any injury or death of an animal resulting from the services provided under this section, or other services provided incidental thereto.

(c) The commission shall impose and collect the following fees for the services specified:

(1) Sterilization surgery	$25.00
(2) Rabies vaccination	15.00
(3) Microchip implantation	15.00

The fees shall be in addition to any applicable license fee.
The commission may, no more than five days per month, waive the sterilization surgery fee for residents in those areas having the highest stray populations. Residents are eligible for the fee waiver only if they present proof of residence within the designated area. The commission shall annually promulgate rules setting forth the areas with the highest stray populations.
In addition, the commission may establish, impose and collect a reasonable boarding fee upon an applicant who fails to pick up the animal at the time specified by clinic personnel.

(Added Coun. J. 11-4-98, p. 80930; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-120 Fees.

The commission shall charge and collect the following fees and shall attach such additional requirements as are stated for release of animals from the animal control center:

(a) Redemption fee for:

(1) Licensed dogs and all other animals impounded as strays	$ 30.00
(2) Unlicensed dogs impounded as strays	60.00
(3) Any animal impounded two or more times	90.00

(b) Housing fee per animal, per day 8.00

(c) Adoption fee for:

(1) Dogs and cats	65.00
Or higher bid price if auctioned	
(2) All other animals	5.00-
Or higher bid price if auctioned	30.00
(d) Euthanasia fee-owner's request	10.00

In addition to the redemption and housing fees, all mandatory licensing fees shall be paid at the time of the redemption of the animal.

The commission shall promulgate regulations establishing the adoption fees for animals, other than dogs and cats, pursuant to the requirements of subsection (c)(2) of this section.

(Prior code § 98-7.1; Amend Coun. J. 11-30-88, p. 19542; Amend Coun. J. 11-10-94, p. 59125; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-130 Refund of spaying deposit--Exchange of animal--Commission's right to repossess.

Any adopter of an animal from an animal control center may exchange such animal for another of the same species and sex within 14 days from date of adoption if said animal has been examined by a veterinarian or by an authorized representative of the executive director and found to be physically or otherwise defective, or unadaptable to the home of the adopter, but no refund shall be made if exchange shall be declined by the adopter. The commission shall have the right to repossess irrevocably without refund or exchange privilege, any adopted animal if the owner is in default as to licensing requirements or any other provision of this chapter.

(Prior code § 98-7.2; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-140 License required.

(a) Each owner, as defined in this chapter, of each dog four months of age or older shall pay a city license fee for the privilege of owning such dog, unless such dog shall be temporarily within the possession of a veterinary hospital, pet shop, kennel, or humane society. Dogs which are the property of any subdivision of local, state or federal government shall be issued complimentary licenses. Any dog properly trained to guide or otherwise assist a blind person shall be issued a complimentary license upon the presentation of proof of vaccination.

(b) Upon determining that an owner subject to the license requirement of subsection (a) of this section has failed to obtain such license, the city clerk shall issue a notice of violation to the owner. If, within 30 days from the date such notice is deposited in the mail, the owner has not come into compliance with subsection (a), the city clerk shall issue a second notice of violation to the owner. The notice required by this subsection shall be sent by first class mail addressed to the owner at the most recent address shown on county rabies vaccination records.

(c) The penalty for failure to obtain the license required by this section shall be no less than $30.00 and no greater than $200.00 for each offense.

(d) The provisions of Article I of Chapter 2-14 of the code shall apply to subsections (b) and (c) of this section.

(Prior code § 98-8; Amend Coun. J. 12-12-01, p. 75777, § 4.2)

7-12-150 License application forms.

The executive director shall prepare, or cause to have prepared, license application forms that shall afford complete information as to the name, residence, and telephone, if any, of each applicant, along with full information regarding the animal to be licensed. The commission shall keep on file, or cause to be kept on file, for two years from date of issue, a copy of each application form so processed, or a copy of each license so issued on the basis of application.

The commission may require persons who sell, transfer ownership of, give away, or otherwise dispose of animals, or of specified species of animals, to maintain records of such transactions, including information descriptive of the animals and identity and location of the recipients. If and when such is required, the commission shall prescribe the length of time such records shall be kept on file by the preparer and shall be permitted access to the records upon demand.

(Prior code § 98-8.1)

7-12-160 Rabies inoculation certificate.

Application for such license shall be made to the director of revenue. Before a license is issued, a certificate of inoculation against rabies for each dog, issued by the county rabies control officer, or by his deputy, or by a licensed veterinarian, shall be submitted to the director of revenue for examination. No license shall be issued for any dog unless such inoculation certificate bears a date within three years prior to the date of application for license or such other interval as approved by the Department of Agriculture of the State of Illinois. Such certificate shall be returned to the applicant after the current dog license number has been stamped thereon. When applying for a dog license by mail, the certificate of inoculation shall accompany the application. Said certificate shall be returned at the time the license tag is mailed to the applicant.

(Prior code § 98-8.2)

7-12-170 License fees.

The license fee shall be payable annually, shall be due on the date a dog is acquired or attains four months of age, and shall expire one year from the date of issuance. The license fee shall be as follows:

Male or female, unneutered (i.e., unspayed or uncastrated)	$10.00
Male or female, neutered (i.e., spayed or castrated)	$ 5.00

except that owners who shall establish by satisfactory proof that they are 65 years of age or older shall be issued licenses for their dogs for the following fees:

Male or female, unneutered	$ 5.00
Male or female, neutered	$ 2.50

(Prior code § 98-8.3; Amend Coun. J. 12-12-01, p. 75777, § 4.3)

7-12-180 Exemptions from license fees.

The foregoing shall not apply to dogs owned by or in the charge or care of nonresidents traveling through the City of Chicago or temporarily living therein or to persons who bring dogs into the city for exhibition or similar purposes under Section 7-12-390 of this ordinance; however, any person keeping or harboring any dog for 15 consecutive days within the city shall be considered a resident owner and shall comply with the licensing requirement, unless registered under Section 7-12-390 of this ordinance.

(Prior code § 98-8.4)

7-12-190 Citations.

The commission, through its animal control officers, is authorized to issue citations against the owner of any animal for violations of this chapter.

(Prior code § 98-8.5; Amend Coun. J. 10-2-95, p. 8604)

7-12-200 Rabies vaccination required.

Each owner of any dog, cat or ferret four months of age or older shall have the animal vaccinated against rabies by a licensed veterinarian of the owner's choice. Evidence of vaccination shall consist of a certificate signed by the veterinarian. Type and brand of vaccine used shall be as approved by the Department of Agriculture of the State of Illinois. Vaccination shall be required every three years or at such other interval as required by the Department of Agriculture of the State of Illinois.

A current certificate of vaccination issued by a veterinarian licensed to practice in any other jurisdiction establishing vaccination with a vaccine approved by the Department of Agriculture of the State of Illinois, may be accepted by the executive director.

(Prior code § 98-8.6; Amend Coun. J. 12-12-01, p. 75777, § 4.4; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-210 Equine animal--License required--Fee--Display--Exemptions.

Each owner of a horse shall pay a license fee for the privilege of keeping, stabling, or otherwise maintaining the horse within the city; provided however, that any horse that is intended to be used for the purpose of drawing a carriage licensed under Chapter 9-108 of the municipal code shall be licensed under Section 7-12-220. The license fee shall be $25.00 for each year or any portion thereof and shall be due on the first day of May of each year or at such later date as the horse is acquired, and shall expire on the thirtieth day of April.

A tag shall be issued in evidence of payment of the license fee, and shall be affixed to the rein or saddle whenever the horse is on a public way. The executive director or an animal control officer may demand proof of the license from the owner at any time or at any place when the horse is within the city.

This licensing requirement shall not apply to horses owned by, or in the charge or care of nonresidents traveling through the City of Chicago or temporarily living therein; however, any person keeping or harboring any horse for 15 consecutive days within the city shall be considered a resident owner and shall comply with all licensing requirements. A horse which is the property of any subdivision of local, state or federal government shall be issued a complimentary license.

(Prior code § 98-9; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-220 Horse-drawn carriage--Horse license required.

The owner of any horse used or intended to be used for the purpose of drawing a carriage licensed under Chapter 9-108 of the Municipal Code shall pay a license fee to the city for such privilege. An application for a horse license under this section shall be made in writing, signed and sworn to by the applicant or if the applicant is a corporation, by its duly authorized agent, upon forms provided by the executive director. The application shall contain the full name, Chicago place of business and residence address of the applicant and the business telephone number of the applicant. All corporate applicants for horse licenses under this section shall be organized or qualified to do business under the laws of Illinois and have a place of business in the City of Chicago. All other applicants shall be citizens of the United States and shall have a place of business in the City of Chicago.

The annual license fee for each horse licensed under this section shall be $75.00. The fee shall be paid in advance when the license is issued and shall not be prorated. Each horse license issued under this section shall expire on the thirty-first day of December following the date of issuance.

(Prior code § 98-9.1; Added Coun. J. 10-16-84, p. 10165; Amended during Supplement No. 2, 4-91; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-230 Horse-drawn carriage--Horse identification number--Violation--Penalty.

Each horse licensed under Section 7-12-220 shall have an identification number tattooed as evidence of compliance with Sections 7-12-220 through 7-12-260 of this chapter. The executive director shall have the authority to issue an identification number for each horse to be licensed and shall keep a record of identification numbers so issued. The executive director shall also promulgate rules governing the type and placement of each tattoo and the method in which horses shall be tattooed.
Tattooing a horse in an unauthorized manner, use of an expired unauthorized or false identification number or alteration of an identification number issued by the executive director in any manner whatsoever shall all be deemed a violation of the law. Any person who violates any provision of this section shall be fined not less than $100.00 nor more than $500.00 for each offense and each day such violation shall continue shall be deemed a separate and distinct offense.

(Prior code § 98-9.2; Added Coun. J. 10-16-84, p. 10165)

7-12-240 Horse-drawn carriage--Right to demand proof of license--Exception.

The executive director or any animal control officer has the power to demand proof of the issuance of a license under Section 7-12-220 at any time that said horse is being used to draw a carriage licensed under Chapter 9-78 of the municipal code any place within the city, except that no such horse license shall be required of a person who has obtained a permit under Section 10-8-330 or 10-8-340 of the municipal code while operating under such permit.

(Prior code § 98-9.3; Added Coun. J. 10-16-84, p. 10165)

7-12-250 Horse-drawn carriage--Access for inspection.

Each licensee under Section 7-12-220 and the licensee's agents shall at all times allow complete access to any horse licensed hereunder for the purposes of inspection.

(Prior code § 98-9.4; Added Coun. J. 10-16-84, p. 10165)

7-12-260 Horse-drawn carriage--Requirements for operation.

No horse licensed under Section 7-12-220 may be used to draw a carriage licensed under Chapter 9-108 of the municipal code unless the following requirements are met:

(a) The horse may not have any open sore or wound, nor may such horse be lame or have any other ailment, unless the driver shall have in the driver's possession a written statement by a veterinarian that the horse is fit for such work, notwithstanding such condition.

(b) The hoofs of the horse must be properly shod and trimmed, utilizing rubber-coated, rubber heel pads or open steel borium tip shoes to aid in the prevention of slipping.

(c) The horse must be groomed daily and may not have fungus, dandruff or a poor or dirty coat.

(d) The horse must be examined, not less than every three months, by a veterinarian, who shall certify the fitness of the animal to perform such work. The driver of a horse-drawn carriage licensed under Chapter 9-108 of the municipal code must have a veterinarian's certificate for such examination and immunization in his or her possession for the horse drawing the carriage at all times such carriage is in operation. A copy of such certificate shall be filed with the executive director.

(e) No horse may be worked more than six hours in any 24-hour period.

(f) All harness and bits shall be used and maintained in accordance with the manufacturing design.

(g) Each horse must be given water and rest for not less than a 15-minute period during each working hour.

(h) No horse may be utilized to pull a carriage carrying more passengers than such carriage is designed to carry by the manufacturer, nor shall a carriage be pulled by fewer animals than provided for by such design.

(i) No horse may be worked with equipment causing an impairment of vision, other than normal blinders.

(j) No whip shall be used unless its design is first approved by the executive director, nor may the driver of a carriage apply a whip to a horse other than by a light touch.

(k) No stallion may draw a carriage without the prior written permission of the executive director.

(l) No horse drawing a carriage shall be worked at a speed faster than a slow trot.

(m) All horses shall be equipped with a waste-catching device, approved by the executive director, while on any public way.

(Prior code § 98-9.5; Added Coun. J. 10-16-84, p. 10165; Amend 7-24-91, p. 4000)

7-12-270 Horse-drawn carriage--Violation--Penalty for Sections 7-12-220 through 7-12-260.

In addition to any of the remedies authorized in this chapter, any person who violates any of the provisions contained in Sections 7-12-220 through 7-12-260 shall be fined not less than $100.00 nor more than $500.00 for each offense and each day such violation shall continue shall be deemed a separate and distinct offense.

(Prior code § 98-9.6; Added Coun. J. 10-16-84, p. 10165)

7-12-280 Stables to be kept clean.

Every person in possession or control of any stable or place where any cows, horses, or other animals are kept, shall maintain it at all times in a clean and wholesome condition. Additionally, no person shall maintain any stable or barn for the housing or keeping of horses or other animals during the period of each year from April 15th to November 15th unless said barn or stable is so constructed or equipped with suitable screens as to prevent the ingress or egress of flies.

(Prior code § 98-10)

7-12-290 Cruelty to animals--Fines.

No person shall do any of the following:

(A) Overload, overdrive, overwork, beat, torture, torment, bait, mutilate or cruelly kill any animal, or cause or knowingly allow the same to be done;

(B) Unnecessarily fail to provide any animal in his or her charge or custody with proper food, water, air and sanitary shelter, such shelter to be sufficient to provide natural light or artificial illumination during reasonable hours and protection from the weather and space within sufficient for the animal to stand in an upright position, and lie down stretched out so that no part of its body need touch the sides of the shelter structure;

(C) Cruelly force into undue physical exertion any animal;

(D) Carry, keep, drive, or cause to be carried, driven or kept, any animal in a cruel manner;

(E) Leave for any unreasonable length of time any animal unattended in a motor vehicle, trailer or other enclosure when the outside temperature shall exceed 85 degrees Fahrenheit in such a manner that said animal does not have proper air circulation;

(F) Have, keep or harbor any animal which is infected with any disease transmissible to other animals or man, or which is afflicted with any painful disease or injury, including severe parasitism, unless such animal be under the care of a veterinarian;

(G) Abandon any animal on any public way or in any place where it may suffer or become a public charge;

(H) Stake out unattended, or leave unrestrained outside and unattended any female dog in season.

Any person who shall violate any provision of subsection (A) shall be fined not less than $300.00 nor more than $1,000.00 for each offense; any person who shall violate any other provision of this section shall be fined not less than $100.00 nor more than $500.00 for each offense.

(Prior code § 98-11; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-300 Ban of unlicensed possession of animals for slaughter.

No person shall own, keep or otherwise possess, or slaughter any sheep, goat, pig, cow or the young of such species, poultry, rabbit, dog, cat, or any other animal, intending to use such animal for food purposes.

This section is applicable to any cult that kills (sacrifices) animals for any type of ritual, regardless of whether or not the flesh or blood of the animal is to be consumed; except that Kosher slaughtering is exempted from this ordinance.

Nothing in this ordinance is to be interpreted as prohibiting any licensed establishment from slaughtering for food purposes any animals which are specifically raised for food purposes.

Agents of the Chicago commission on animal care and control, police officers and humane investigators of any agency licensed by the City of Chicago and/or the Illinois Department of Agriculture for the prevention of cruelty to animals shall have the authority to confiscate any and all animals kept in violation of this ordinance. Enforcement personnel shall have the authority to enter any business premises during normal business hours where an animal or animals described in this ordinance are being housed or kept, but shall only enter domiciles or businesses during nonbusiness hours after obtaining a proper search warrant or permission to enter from the occupant or owner of such premises.

Any person found to have been in violation of this section shall be fined not less than $50.00 nor more than $1,000.00 for each offense. When a person keeps, owns or slaughters more than one animal in violation of this ordinance, the unlawful keeping, owning or slaughtering of each animal will be considered a separate offense for the purposes of this ordinance.

(Prior code § 98-11.1)

7-12-310 Removal of injured or diseased animal from public way.

Any animal which is on any public way or within any public place and which is severely injured or diseased, and for which care is not being provided on the scene or any severely injured or diseased animal that has strayed onto private premises, shall be removed, if possible, to the care of an animal control center, to the nearest humane society, or to the nearest veterinarian or veterinary hospital willing to accept them. If immediate removal shall not be possible, such animal may be destroyed by the most humane method available on the scene, unless the owner shall come forward beforehand and assume responsibility for removal and care.

Handling of any such case shall be the responsibility of the commission or, in the absence of a representative of the commission, any City of Chicago police officer, or any humane society representative duly authorized by the society to act in its behalf.

(Prior code § 98-12)

7-12-320 Horse-drawn carriage--Removal of horse from public way.

Any horse licensed under Section 7-12-220 for the purposes of drawing a carriage licensed under Chapter 9-78 of the municipal code which must be removed from a public way for any reason shall be under the custody and control of the commission on animal care and control except that if no animal control officer is available then any Chicago police officer is authorized to remove said horse from public way.

(Prior code § 98-12.1; Added Coun. J. 10-16-84, p. 10165)

7-12-330 Burial of dead animals.

No person shall leave in or throw into any public way, public place or public theater, or offensively expose or bury within the city, the body or any part thereof of any dead or fatally sick or injured animal; nor shall any person keep any dead animal in a place where it may be dangerous to the life or detrimental to the health of any other animal or person; provided, however, that the owner of any dead pet weighing not more than 150 pounds may bury such animal on his premises; provided, further, that not more than one such animal shall be buried upon any half acre ground within two years, and such animal shall be placed at least three feet below the surface of the soil surrounding and adjacent to the grave.

(Prior code § 98-13)

7-12-340 Notice to commission for removal of dead animal.

Every person having within his possession or control or upon any premises owned or occupied by him or her any dead animal which that person cannot, or does not intend to, bury or have buried or otherwise lawfully disposed of shall immediately give notice to the commission and the commission shall cause such animal to be removed and disposed of consistent with sound environmental standards.

(Prior code § 98-14)

7-12-350 Dyeing baby chicks, other fowls or rabbits prohibited.

No person shall bring or cause to have brought into the city, sell, offer for sale, barter or display living baby chicks, ducklings, goslings, or other fowl or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color.
It shall be unlawful for any person to display, sell, offer for sale, barter or give away any chicks, ducklings, or goslings as pets, unless the purchaser shall have proper brooder facilities. It shall be unlawful for any person to give away such animals as novelties or prizes. Except that nothing in this section shall be construed to prohibit legitimate commerce in poultry for agricultural and food purposes.

(Prior code § 98-15)

7-12-360 Wild or nondomesticated animals.

Each person who shall possess, keep or maintain any wild, or nondomesticated animal, including any wild animal native to the State of Illinois, shall upon demand by the executive director or his authorized representative, furnish proof of compliance with such restrictions and/or permit requirements as may be imposed by statutes of the State of Illinois and/or federal law. The executive director or his authorized representative shall be empowered to demand surrender of any animal possessed, kept or maintained in the absence of proof of such compliance or in violation of the city ordinance relative to zoning regulation and to make whatever disposition of it as may be prescribed under policies approved by the commission.

It shall be a violation of this ordinance for any person to refuse to surrender any animal kept in noncompliance.

(Prior code § 98-16)

7-12-370 Animal fights and contests prohibited.

No person shall promote, stage, hold, manage, conduct, or carry on any animal fight, or train any animal for the purpose of an animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal to fight.

Any person who violates any of the provisions of this section shall upon conviction thereof be punished by a fine of not less than $300.00 nor more than $1,000.00 for the first offense or second 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 as amended, or by both fine and imprisonment.

(Prior code § 98-17; Amend Coun. J. 7-31-90, p. 19875; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

7-12-375 Animal care--License required.

No person shall engage in the business of a cattery, kennel, pet shop, humane society, veterinary hospital or animal exhibition, without having first obtained a license in accordance with Chapter 4-384 of this Code.

(Amend Coun. J. 4-16-97, p. 42589)

7-12-380 Snakehead fish.

(a) It shall be unlawful for any person to import, sell, transport, carry, own, keep or otherwise possess any snakehead fish within the city. The provisions of this subsection shall not apply to any person who imports, transports, carries, owns, keeps or otherwise possesses any snakehead fish for zoological, educational, medical or scientific purposes if the person has: (1) obtained all applicable licenses or permits; and (2) provided notification to the executive director.

(b) It shall be unlawful for any person to release any snakehead fish into any river, lake, pond, lagoon or other waterway within the city.

(c) Any person who violates any provision of this section shall be fined not less than $100.00 nor more than $1,000.00 or may be incarcerated for a period not to exceed six months, or both. Each day that a violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 10-2-02, p. 94895, § 1)

7-12-385 Restrictions on live Asian Carp.

(a) For purposes of this section only the following definitions apply: "Regulated fish species" means any live grass carp/white amur (Ctenopharyngodon idella), bighead carp (Hypophthalmichthys nobilis), silver carp (Hypophthalmichthys molitrix), or black carp (mylopharyngodon piceus).

"Retail," "retail food establishment" and "wholesale food establishment" shall have the meaning ascribed to them in Section 4-8-010 of this Code.

(b) It shall be unlawful for any person to import, sell, transport, carry, own, keep or otherwise possess any live regulated fish species within the city. The provisions of this subsection shall not apply to the following:

(1) Any person who imports, transports, carries, owns, keeps or otherwise possesses any regulated fish species for zoological, educational, medical or scientific purposes if the person has obtained all applicable licenses or permits and provided notification to the executive director;

(2) Any wholesale food establishment that imports, transports, carries, owns, keeps or otherwise possesses any live regulated fish species for the sale or transfer of the fish to any retail food establishment; provided that the wholesale food establishment has obtained all applicable licenses and permits; or

(3) Any retail food establishment that owns, keeps or otherwise possesses any regulated fish species for the retail sale or transfer of the fish to a consumer; provided that the retail food establishment purchased the regulated fish species from a wholesale food establishment in compliance with subsection (b)(2) of this section, and kills the regulated fish species before the fish is sold or provided to the consumer.

(c) It shall be unlawful for any person to release any live regulated fish species into any river, lake, pond, lagoon or other waterway within the city.

(d) Violation of any portion of this section shall constitute a public nuisance. In addition to any fine or penalty, an amount equal to three times the cost or expense incurred by the city in abating a nuisance may be recovered in an appropriate action instituted by the corporation counsel. Nothing in this section shall be construed to prevent the City of Chicago from acting without notice to abate a nuisance in an emergency where the nuisance poses an immediate threat to public health or safety, nor shall this section be construed to deny common law right to anyone to abate a nuisance.

(e) Any person who violates any provision of this section shall be fined not less than $100.00 nor more than $1,000.00 or may be incarcerated for a period not to exceed six months, or both. Each day that a violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 4-9-03, p. 106440, § 1)

7-12-387 Restrictions on pigeons.

(a) For purposes of this section only the following definition applies:
"Pigeon" means any live bird of the Family Columbidae.

(b) It shall be unlawful for any person to import, sell, own, keep or otherwise possess any live pigeon within any area designated as a residence district under the Chicago Zoning Ordinance. Nothing in this subsection prohibits any person from transporting a live pigeon through a residential district, if the pigeon is caged during transport and not released in a residential district.

(c) It shall be unlawful for any person to construct or maintain any coop or cote that is, or may be used for the storage, maintenance or sheltering of any live pigeon within any area designated as a residence district under the Chicago Zoning Ordinance.

(d) The provisions of subsections (b) and (c) of this section shall not apply to the keeping of pigeons as part of an exhibit at either Lincoln Park Zoo or the zoo at Indian Boundary Park.

(e) Violation of any portion of this section shall constitute a public nuisance, which may be abated pursuant to the procedures described in section 7-28-010. In addition to any fine or penalty, an amount equal to three times the cost or expense incurred by the city in abating a nuisance may be recovered in an appropriate action instituted by the corporation counsel.

(f) Any person who violates any provision of this section shall be fined not less than $100.00 nor more than $1,000.00 or may be incarcerated for a period not to exceed six months, or both. Each day that a violation continues shall constitute a separate and distinct offense.

(g) [Reserved.]

(Added Coun. J. 9-4-03, p. 6975, § 1; Amend Coun. J. 5-5-04, p. 22691, § 1; Amend Coun. J. 5-26-04, p. 24838, § 1; Amend Coun. J. 11-3-04, p. 35125, § 1)

7-12-390 Reserved.

Editor's note: Amend Coun. J. 4-16-97, p. 42591 § 3 amended and redesignated former § 7-12-390 as § 4-5-010(4a). See the Code Comparative Table.

7-12-400 Standards of operation.

The commission shall issue administrative regulations that require reasonable and proper standards of operation for each class of enterprise for which a license or permit shall be obtained. Such regulations shall cover, but not be limited to, sanitation of premises, humane care of animals involved, and compliance with all statutes of the State of Illinois and federal laws relating to animal health and disease prevention.

The commission may conduct, or cause to be conducted by an animal control officer or authorized representative, such inspections as are necessary to insure compliance with all applicable ordinances, statutes, and laws of local, state and federal governments and compliance with administrative regulations of the commission.

(Prior code § 98-18.2)

7-12-410 Revocation of license.

Any permit or license issued in accordance with this ordinance may be revoked or suspended by the executive director at the direction of the commission for any violation of this ordinance or other law applicable to animal care or ownership. The commission shall issue a directive to suspend or revoke such a permit or license only after the service upon the licensee or permit holder of written charges specifying the violation or offense for which the suspension or revocation will be sought, a hearing before the commission or one of its members at which time the licensee or permit holder may appear, with counsel if he chooses, and examine the evidence and witnesses presented against him and at which time he may present witnesses or evidence in his own behalf. A written statement setting forth the findings of the commission shall be served upon the licensee or permit holder.

(Prior code § 98-18.3)

7-12-420 Removal of excrement.

No person shall appear with a pet upon the public ways or within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor shall any person fail to remove any excrement deposited by such pet. This section shall not apply to a blind person while walking his or her guide dog.

Any person found to have been in violation of this section shall be fined not less than $50.00 nor more than $500.00 for each offense. (Prior code § 98-19; Amend Coun. J. 5-14-97, p. 44297)

7-12-430 Violation--Penalty.

Any person who shall violate any of the provisions of this chapter for which no specific penalty is provided, shall be fined not less than $50.00 nor more than $200.00 for each offense.

(Prior code § 98-20; Amend Coun. J. 12-4-02, p. 99026, § 4.1)

Chapter 7-28 HEALTH NUISANCES

Article I. Nuisances in General

Article II. Refuse

Article III. Privies, Catchbasins, and Similar Vaults

Article IV. Offensive Chemicals and Substances

Article V. Rat Control

Chapter 7-28 HEALTH NUISANCES

NUISANCES IN GENERAL

ARTICLE I.

7-28-010 Notice to abate.

It shall be the duty of the building commissioner or his or her designee to serve notice in writing by certified mail upon the owner, occupant, agent or person in possession or control of any building or structure in or upon which any nuisance may be found, or who may be the owner or cause of any such nuisance other than the nuisance specified in Sections 7-28-120 and 7-28-440 to 7-28-450, inclusive, of this chapter requiring him to abate the same in the manner the commissioner shall prescribe, within a reasonable time. It shall not be necessary in any case for the commissioner to specify in his notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so. If the person so notified shall neglect or refuse to comply with the requirements of the order by abating the nuisance within the time specified, the person shall be fined not less than $25.00 nor more than $500.00 for every such violation, and each day the nuisance shall continue shall constitute a separate and distinct violation.

It shall be the duty of the building commissioner to proceed at once upon the expiration of the time specified in the notice to cause any such nuisance to be abated; provided, however, that whenever the owner, occupant, agent, or person in possession or control of any building or structure, in or upon which any nuisance may be found, is unknown or cannot be found, the commissioner shall proceed to abate the nuisance without notice. In either case the expense of such abatement shall be collected from the person who may have created, continued, or suffered the nuisance to exist, in addition to any penalty or fine. The commissioner of streets and sanitation shall enforce the provisions of Sections 7-28-120 and 7-28-440 to 7-28-450, inclusive, in the manner provided herein for nuisances generally unless the specific section shall provide otherwise.

(Prior code § 99-1; Amended. Coun. J. 12-18-86, p. 38654; Amend Coun. J. 4-29-98, p. 66565)

7-28-020 Summary abatement.

Whenever any nuisance shall be found on any premises within the city, the commissioner of buildings or commissioner of the environment is hereby authorized, in their discretion, to cause the same to be summarily abated in such manner as he may direct.

(Prior code § 99-2; Amend Coun. J. 12-11-91, p. 10978)

7-28-030 Common law and statutory nuisances.

In all cases where no provision is herein made defining what are nuisances and how the same may be removed, abated, or prevented, in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statutes of Illinois as nuisances may, in case the same exist within the city limits or within one mile thereof, be treated as such, and proceeded against as is provided in this Code, or in accordance with any other provision of law.

(Prior code § 99-3)

7-28-040 Abandonment of refrigerators.

Any person who abandons or discards in any place accessible to children any refrigerator, ice box or ice chest of a capacity of one and one-half cubic feet or more which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or who being the owner, lessee, or manager of any place or premises knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be fined not less than $50.00 nor more than $200.00 or imprisoned for not more than 30 days, or both, for each offense.

Every day that such violation continues shall be deemed a separate and distinct offense.

(Prior code § 99-3.1; Amend Coun. J. 12-4-02, p. 99931, § 4.1)

7-28-050 Plastic bags--Violation--Penalty.

Definition: "Plastic bag" means a polyethylene bag, other than one used for food products weighing not more than five pounds, intended for household use which is larger than seven inches in diameter at the opened end, and is made of thin film less than one mil (0.001 inch) in thickness (according to standards established under the Commodity Standards Division of the United States Department of Commerce).

No person shall package, deliver or sell any article for use in or around the household in a plastic bag, or shall sell or distribute any plastic bag for use in or around the household, unless the bag bears a warning against the hazard of suffocation by children in the following or substantially equivalent wording:

WARNING: Keep this bag away from babies and children. Do not use in cribs, beds, carriages, or playpens. The thin film may cling to nose and mouth and prevent breathing.

The warning shall be printed on, attached to, or accompany each bag; provided, however, that it shall be permissible to print the warning on the outside wrapper of packages of bags intended for home processing use only, e.g., freezer bags, garbage disposal bags, in lieu of on each individual bag. The warning shall be prominently and conspicuously displayed in bold-face type, in accordance with the following table:

Total of the length and width of the bag, combined
60 inches or more . . . 24 points
40 inches, but less than 60 inches . . . 18 points
30 inches, but less than 40 inches . . . 14 points
Less than 30 inches . . . 10 points

Any person violating this section shall be fined $200.00 for each offense.

(Prior code § 99-3.2)

7-28-060 Conditions detrimental to health--Public nuisance--Violation--Penalty.

No building, vehicle, structure, receptacle, yard, lot, premises, or part thereof, shall be made, used, kept, maintained, or operated in the city if such use, keeping, maintaining, or operating shall be the occasion of any nuisance, or shall be dangerous to life or detrimental to health.

Every building or structure constructed or maintained in violation of the building provisions of this Code, or which is in an unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons, is hereby declared to be a public nuisance. Every building or part thereof which is in an unsanitary condition by reason of the basement or cellar being covered with stagnant water, or by reason of the presence of sewer gas, or by reason of any portion of a building being infected with disease or being unfit for human habitation, or which by reason of any other unsanitary condition, is a source of sickness, or which endangers the public health, is hereby declared to be a public nuisance.

Any person found guilty of violating any of the provisions of this section shall be subject to a penalty of not less than $200.00 nor more than $500.00, or imprisonment not to exceed 10 days, or both such fine and imprisonment for each offense. Each day such violation shall continue shall constitute a separate and distinct offense.

(Prior code § 99-4; Amend Coun. J. 7-9-86, p. 31580; Amend Coun. J. 8-30-00, p. 40306, § 3)

7-28-065 Graffiti removal--Nuisance abatement.

(a) As defined in this section, graffiti is hereby declared to be a public nuisance. The owner of record, or the person in charge, possession or control of any building or structure upon which graffiti is placed or affixed shall, upon the appearance of the graffiti: (i) cause such graffiti to be removed or concealed or (ii) place on file a written statement authorizing the presence of the graffiti at the office of the commissioner of the department of streets and sanitation. Whenever any nuisance in the form of graffiti shall be found on any building or other structure, the department of streets and sanitation, or its agent or contractor shall attempt to obtain consent from the owner for the city's graffiti removal services. If such attempt to contact the owner is not successful, the department shall post a notice in a prominent place upon the building or structure where the graffiti is found which shall state that, if the graffiti is not removed or concealed or if a written statement authorizing the presence of the graffiti is not filed with the commissioner within five days after the notice is posted, excluding Saturdays, Sundays and legal holidays, the department or its agent or contractor shall have authority to enter or access the property and abate the nuisance by removing or concealing the graffiti.

(b) Nothing in this section shall prevent the city from taking any other enforcement action authorized by law.

(c) "Graffiti" means an inscription, drawing, mark or design that is painted, sprayed or drawn directly upon the exterior of any building or other structure and is visible from the public way; provided that, graffiti shall not include any sign permitted by the Zoning Code or any decoration that is part of the architectural design of the building or structure.

(Amend Coun. J. 3-11-98, p. 61944; Amend Coun. J. 5-17-00, p. 32562, § 1)

7-28-070 Piling of used material to excessive heights.

No yard, lot, premises or enclosure or part thereof, shall be used, kept, maintained, or operated, for the purpose of storing used lumber, metal or other secondhand building material, dismantled motor vehicles or parts thereof, creates, cases, boxes or other discarded material unless the said yard, lot, premises or enclosure is entirely surrounded by a fence eight feet in height, which fence shall be located at least eight feet from all public ways surrounding the property and none of said articles shall be piled nearer than six inches to, nor higher than said fence; provided, however, that if said articles are piled at a greater distance than eight feet from any public way they may be piled to a height equal to the distance from the public way, but in no case to a height exceeding 20 feet. On the property dividing lines of such yard, lot, premises or enclosure said fence may be erected on the property dividing line but none of said articles shall be piled nearer than six inches to said fence nor be piled at an angle of more than 45 degrees from such point, but not to exceed a height of 20 feet. Where an existing fence is erected nearer than eight feet to a public way, such fence may be permitted to remain but none of said articles shall be piled nearer than eight feet to such public way nor contrary to the provisions of this section. The piling of said articles in excess of the height herein permitted shall constitute a nuisance. Any person who violates any provision of this section shall be fined not less than $200.00 and not more than $500.00 for each offense. Every day of a continuing violation shall constitute a separate and distinct offense.

(Prior code § 99-4.1; Amend Coun. J. 12-4-02, p. 99931, § 4.2)

7-28-080 Nuisance in connection with business.

No substance, matter, or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business, or be used therein, or be used in any work or labor performed in the city, and no nuisance shall be permitted to exist in connection with any business or in connection with any such work or labor. Any person who violates this section shall be subject to a fine of not less than $300.00 and not more than $1,000.00 for each offense. Each day that such a violation continues shall be considered a separate and distinct offense.

(Prior code § 99-5; Amend Coun. J. 11-15-00, p. 46866, § 1)

7-28-085 Signs and signboards unlawful on private walkways, etc.

It shall be unlawful to erect any sign and signboard on the surface of a privately owned walkway or parking lot made available for public use and access if the placement of such sign or signboard obstructs the use of the facility made available for public use and creates a public safety hazard. Any person found to have violated this section shall be fined not less than $100.00 nor shall it exceed $500.00.

(Amend Coun. J. 7-2-97, p. 47908)

7-28-090 Nuisances brought into city.

No person shall bring into the city, or keep therein for sale or otherwise, either for food, or for any other purpose, any dead or live animal, nor any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the city, or which may or shall be dangerous or detrimental to health.

(Prior code § 99-6)

7-28-100 Reserved.

Editor's note: Coun. J. 10-28-97, p. 54731, repealed § 7-28-100, which pertained to offensive premises--Penalty. See the Code Comparative Table.

7-28-110 Gas manufactory odors and refuse.

No person manufacturing gas shall throw, deposit, or allow to run, or permit to be thrown or deposited, into any public way, any gas-tar or any refuse matter from any gas house, gas reservoir, works, or manufactory; nor shall any such person allow any substance or odor to escape from such gas house, gas reservoir, works, or manufactory, or make any gas of such ingredients or quality that any substance shall escape therefrom, or be formed in the process of burning any gas, which shall be offensive or dangerous, or prejudicial to life or health. Every such person shall use the most approved and all reasonable means for preventing the escape of odors.

(Prior code § 99-8)

7-28-120 Weeds--Penalty for violation--Abatement--Lien.

(a) Any person who owns or controls property within the city must cut or otherwise control all weeds on such property so that the average height of such weeds does not exceed ten inches. Any person who violates this subsection shall be subject to a fine of not less than $100.00 nor more than $300.00. Each day that such violation continues shall be considered a separate offense.

(b) All weeds which have not been cut or otherwise controlled, and which exceed an average height of ten inches, are hereby declared to be a public nuisance. If any person has been convicted of violating subsection (a) and has not cut or otherwise controlled any weeds as required by this section within ten days after the date of the conviction, the city may cause any such weeds to be cut at any time. In such event, the person who owns or controls the property on which the weeds are situated shall be liable to the city for all costs and expenses incurred by the city in cutting the weeds.

(c) The costs and expenses incurred pursuant to subsection (b) shall constitute a lien against the affected property if the city, or the person performing the service by authority of the city, in its or his own name, files a notice of lien in the office of the county recorder, or in the office of the registrar of titles if the property is registered under the Torrens System. The notice of lien shall consist of a sworn statement setting out:

(1) A description of the real estate sufficient for identification thereof;

(2) The amount of money representing the cost and expense

incurred or payable for the service;

(3) The date or dates when the cost or expense was incurred by the city.

The notice of lien shall be filed within 60 days after the cost of expense is incurred.

Upon payment of the cost or expense after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed, and the release shall be filed for record in the same manner as the filing of the notice of the lien.

(Prior code § 99-9; Amend Coun. J. 12-20-89, p. 10123; Amend Coun. J. 12-4-02, p. 99931, § 4.3)

7-28-130 Diseased trees.

All trees which become affected with Dutch elm disease are hereby declared to be a public nuisance.

Any person owning or controlling any plot of ground upon which such a tree is situated shall, upon the appearance of evidence of any such disease, cause such tree to be sprayed and removed from the premises and burned.

If the owner or person in control of any plot of ground upon which such a tree is situated fails to have such tree so sprayed, removed and burned within ten days after receipt of notification by certified mail of positive evidence that the tree is affected with Dutch elm disease, the general superintendent of forestry, parkways and beautification shall proceed to have such tree sprayed, removed and burned, and any expense incurred by the city in so doing shall be a charge against the owner so failing, which may be recovered in an appropriate action at law instituted by the corporation counsel.
(Prior code § 99-9.1)

7-28-140 Reserved.

Editor's note: Coun. J. 10-28-97, p. 54731, repealed § 7-28-140, which pertained to floral designs in cemeteries. See the Code Comparative Table.

7-28-150 Spreading of vermin poison.

It shall be unlawful for any person to spread, or to cause or permit any agent or employee to spread, any poison for the purpose of killing rats, mice, insects, or other vermin, in any public way or public place in the city; and it shall be unlawful for any person to spread or to cause or permit any agent or employee to spread, any poison for such purpose in any yards, court, passageway, or other open place on private premises, or on the outside of any building or structure, or in any place within a building which is open to the general public, or where pet dogs, cats, or other domestic animals or fowls have access, without placing the same in a receptacle of such kind or character that it can be reached only by the kind of vermin which the poison is intended to kill, or without placing a wire or other guard about same in such way that no child, or domestic animal, domestic fowl, or other harmless creature can reach the same.

(Prior code § 99-11)

7-28-160 Reserved.

Editor's note: Coun. J. 10-28-97, p. 54731, repealed § 7-28-160, which pertained to spitting in public. See the Code Comparative Table.

7-28-170 Reserved.

Editor's note: Coun. J. 10-28-97, p. 54731, repealed § 7-28-170, which pertained to disposal of facial tissues. See the Code Comparative Table.

7-28-180 Throwing objects in public places of amusement--Violation--Penalty.

No person shall cast, drop or throw any object, missile or any other substance or article in, from or into any public place of amusement. Any person violating the provisions of this section shall be fined not less than $25.00 nor more than $200.00 for each offense.

(Prior code § 99-13.1)

7-28-190 Throwing objects into roadways.

It shall be unlawful for any person:

(1) To loiter on any public bridge, viaduct or overpass in such manner or for such purpose as might jeopardize the safety or well-being of any person upon or near the roadway below;

(2) To stop any vehicle on any public bridge, viaduct or overpass except for necessary emergency purposes or upon the order of a police officer or other person authorized to direct such action;

(3) To throw or drop or cause to be thrown or dropped from any public bridge, viaduct or overpass any article or thing which might jeopardize the safety or well-being of any person upon or near the roadway below.

Any violation of any of the provisions of this section shall constitute a nuisance and the offender shall be subject to a fine of not less than $50.00 or more than $200.00, or imprisonment not to exceed six months, or both, and every violation shall constitute a separate and distinct offense.

(Prior code § 99-13.2)

Chapter 7-28 **REFUSE**

ARTICLE II.

7-28-200 Definitions.

For the purposes of this chapter the following words and terms shall be understood as having the following meanings:

"Ashes" means all ashes of wood, coal and coke; the residue resulting from the combustion of any material or substance, soot, cinders, slag or charcoal.

"Garbage" means rejected organic matter, household food, cooking grease or kindred refuse, manure, swill or carrion.

"Junk" means 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, and empty bottles of different kinds and sizes when the number of each kind of size is less than one gross, and all articles and things discarded or no longer used as a manufactured article composed of, or consisting of, any one or more of the materials or articles herein mentioned. Junk includes items and materials stored for resale with no more processing than sorting, crushing or separation from other items and materials.

"Litter" includes but is not limited to the following: (a) picnic or eating utensils, such as paper plates, cups, napkins, towels, plastic utensils, metal foil, cellophane, wax paper, paper bags or any food wrappings; (b) liquid or beverage containers such as beer, soft-drink and juice cans, beer, soft-drink, liquor and wine bottles, and milk or juice cartons; (c) tobacco and confection wrappers, such as cigarette packages, candy, ice cream, Popsicle, gum or any other type of dessert or confection wrapping or container; (d) food wastes, such as fruit or vegetable peelings, pulp, rinds, leftovers or any other type of table wastes; (e) newspapers, books, placards, handbills, pamphlets, circulars, notices or papers of any type; (f) or any other type of rubbish, garbage, refuse matter, article, thing or substance such as discarded clothing, boxes, dust, manure or ashes.

"Litter basket" means any container suitable for the storage and collection of litter on the public way or private parking lot properties.

"Living unit" means an apartment used as a single housekeeping unit for one family, or four rooms used for living, sleeping, cooking and eating, by one or more persons.

"Manure" means the excrement of all domestic animals and fowl, stable bedding, and all hay, straw, shavings, grass and weeds, or leaves which have been used for stable or fowlhouse bedding.

"Multiple dwelling" means a building or a part of a building, designed, intended, or used as an apartment house, apartment hotel, tenement house, condominium, cooperative, single room occupancy hotel, or other use in which there is more than one dwelling.

"Occupational unit" means a property or part of a property designed, intended, or used for any business purpose other than a single dwelling or multiple dwelling.

"Retail establishment" means each separate store location, whether or not affiliated with any other store location, where goods or services are offered for sale to the consuming public.

"Refuse" means all garbage, junk, ashes, and all other rejected matter, rubbish, and dust.

"Single dwelling" means a building designed as or intended for, or used as a residence for a single-family, or for a group of persons other than a single-family, when such group does not exceed five in number.

(Prior code § 99-14; Amend Coun. J. 4-15-95, p. 67576; Amend Coun. J. 4-29-98, p. 66565; Amend Coun. J. 7-7-99, p. 6985; Amend Coun. J. 5-2-01, p. 56849, § 1)

7-28-210 Refuse containers.

(a) Standard refuse container. The standard refuse container required by this chapter shall be a receptacle of impervious material and sturdy construction, with a tight fitting cover, and shall be provided by the department of streets and sanitation.

(b) Commercial refuse container. The commercial refuse container required by this chapter shall be provided or contracted for by the property owner or his agent or the occupant of an occupational unit, and shall be a leak-resistant, rodent-resistant, and lidded container which is constructed of impervious material and subject to the inspection of the department of health and the department of streets and sanitation.

(c) Refuse compactor. The refuse compactor required by this chapter shall be a leak-resistant and rodent-resistant container constructed of impervious material and capable of reducing the volume of waste contained within it a minimum of 65 percent, subject to the inspection of the department of health and the department of streets and sanitation, and provided or contracted for by the property owner or his agent, unless otherwise agreed to by the lease agreement.

(Prior code § 99-15; Amend Coun. J. 7-7-99, p. 6985)

7-28-220 Duty to provide refuse containers and service.

It shall be the duty of the occupant of every occupational unit to provide or contract to maintain in good condition and repair, unless otherwise provided for by lease agreement, sufficient commercial refuse container(s) and scavenger service to meet its waste generation needs, so as not to allow the container(s) to overflow.

It shall be the duty of the licensed scavenger to maintain in good condition and repair such commercial refuse containers. Notwithstanding this requirement, and unless otherwise agreed to by the parties via contract, the occupant shall be liable for its usage of the container(s) and for notifying the property owner or his agent of the need for additional containerization or service.

The owner or his agent of every multiple dwelling with five or more living units, if not required to have a compactor under section 7-28-

225 at the owner's or his agent's expense shall provide or contract for sufficient commercial refuse containers using a minimum standard of 1/4 cubic yard for each occupied living unit per week, including container space for recyclable material. The 1/4 cubic yard requirement can be lowered if the multiple dwelling can verify a lower waste generation rate over a period of months. The commissioner of streets and sanitation shall have the authority to promulgate rules and regulation related to the cubic yard verification. If a multiple dwelling elects to contract for refuse pickup more than one time per week, the minimum cubic yard standard shall decrease accordingly.

All refuse which is placed for collection service outside of the building must be kept in standard or commercial refuse containers or refuse compactors.

(Prior code § 99-16; Amend Coun. J. 7-7-99, p. 6985)

7-28-225 Duty to provide compactors.

It shall be the duty of the owner or occupant of an occupational unit and the owner of a multiple dwelling with five or more living units with a waste generation of 50 cubic yards per week, excluding recyclable material collected as part of a recycling program, such as recyclable material collected in accordance with Chapter 11-5, to provide or contract for a refuse compactor and collection service with a minimum of once per week collection, except that a compactor shall not be required (i) when there is no suitable location on private property, or (ii) for multiple dwellings with five or more living units that are only accessible by use of a private driveway, or (iii) if the occupational unit or multiple dwelling receives refuse collection service a minimum of five times per week. If the department of streets and sanitation determines there is a suitable location on the property, but the owner or his agent does not wish to use the space for the compactor, a permit for use of the public way shall be required. If the department of streets and sanitation determines that a compactor may not be placed in the public way, the compactor must be placed on the suitable location on private property. The commissioner of streets and sanitation shall have the authority to promulgate rules and regulations regarding the definition of suitable location and regarding the exclusion of commingled recyclables from the 50 cubic yard weekly refuse amount.

(Added Coun. J. 7-7-99, p. 6985; Amend Coun. J. 10-3-01, p. 68141, § 2)

Editor's note: It should be noted that the provisions of this section shall be effective July 7, 2000.

7-28-227 Duty to provide refuse containers at construction or demolition sites.

(a) Every owner, manager or general contractor of any building, structure or parcel, for which a permit for new construction or demolition at the site has been issued, shall provide and maintain in good condition and repair commercial refuse containers sufficient in size and number to prevent any overflow or accumulation of refuse outside of the containers.

(b) It shall be the duty of every owner, manager or general contractor to cause all refuse, excluding construction or building material and debris, produced or located at the site to be deposited daily in the commercial refuse containers.

(c) It shall be the duty of every owner, manager or general contractor to keep each commercial refuse container located at the site covered with a tightly fitted cover at all times, except when opened for deposit or removal of the refuse.

(d) It shall be the duty of every owner, manager or general contractor to cause to be removed at his own cost and expense all refuse, excluding construction or building material and debris, located at the site. The removal shall be of such frequency to prevent the overflow and accumulation of refuse outside of the containers and shall be in accordance with the provisions of this Code.

(e) No container used for the storage, collection and removal of refuse shall be placed so as to constitute a nuisance to adjacent property or the occupants thereof.

(f) Any person who violates any provision of this section shall be fined not less than $200.00 and not more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 5-2-01, p. 56849, § 1)

7-28-230 Location of standard and commercial refuse containers.

Standard and commercial refuse containers shall be placed for collection in the following manner:

(a) For alley collections, at the alley lot line on the premises served so as to be immediately accessible to refuse collection vehicles. It shall be the duty of the owner or his agent to provide suitable space at the alley line for such container; a container may be placed in the public way if (i) the property does not have suitable space as determined by the department of streets and sanitation and defined in the rules and regulations promulgated pursuant to this chapter and (ii) the structure on the property was in existence on the effective date of this ordinance.

(b) For curb collections, at the curb line not earlier than the evening preceding the designated collection day, and removal from the public way not later than the evening of such day, except for occupational units not operating on the day after collection.

No container used for the storage, collection and removal of garbage or other refuse shall be placed so as to constitute a nuisance to adjacent property or the occupants thereof.
(Prior code § 99-17; Amend Coun. J. 7-7-99, p. 6985)

7-28-235 Location of refuse compactors.

Refuse compactors receiving alley collection may be placed on the public way in accordance with Article XIB of Chapter 10-28 of this Code and are subject to inspection by the department of health and department of streets and sanitation.

(Amend Coun. J. 7-7-99, p. 6985)

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 the effective date of this section, 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 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.

It shall be the duty of the occupant of every occupational unit to cause to be removed at his own expense and cost at least once each week all refuse produced therein.

(Prior code § 99-18; Amend Coun. J. 7-7-99, p. 6985; Amend Coun. J. 6-28-00, p. 36650, § 1; Amend Coun. J. 9-4-03, p. 7118, § 22)

7-28-250 Refuse collection cost--Reimbursement.

Any alderman may introduce into the city council, on behalf of the governing associations or boards of condominiums, cooperative residential buildings and those townhouses which do not qualify to receive the services provided by the city for refuse collection located in his or her ward, an ordinance providing for the rebate of the cost incurred by the residential building for refuse collection. Beginning January 1, 1995, the implementation of a recycling program by governing associations or boards, pursuant to Section 11-5-021 of the Municipal Code, shall be a condition for receiving such a rebate. Attached to this ordinance shall be a notarized statement listing the amount of the annual cost incurred for refuse collection for the residential units in the building, the number of residential units in the building, and a letter confirming the executed agreement with the private scavenger service providing refuse collection for the residential building. The original ordinance and notarized statement shall be referred to the committee on finance. A copy of the ordinance and attached notarized statement shall be transmitted to the city comptroller.

After review, the committee on finance may recommend that the city council approve the reimbursement to the governing association or board in an amount equal to the annual cost incurred for the refuse collection for the residential units in the building; provided, however, that the aggregate annual amount of the reimbursement paid to a governing association or board shall not exceed an amount equal to the number of residential units in the building multiplied by $75.00. During the first year in which the cost of refuse collection is reimbursed, the governing association or board shall submit the bill for the prior year's refuse collection services. For each year thereafter the governing association or board shall submit their notarized statement within one year of the proposed reimbursement period to be eligible for the program. The city council may not reimburse a governing association or board for the cost of refuse collection services which is unreasonable or which has been submitted more than one year after the billing period for refuse collection.

In no event shall the governing association or board be reimbursed for that portion of the cost of refuse collection attributed to any commercial or other nonresidential unit located in the residential building. After city council's approval of the reimbursement, the city comptroller promptly shall pay the governing association or board the approved reimbursement.

For the purposes of this section, refuse shall include recyclable materials and the rebate authorized herein shall apply to collections made by business entities engaged in resource recovery. Provided, however, that nothing in this paragraph shall be construed to increase the total amount of rebate authorized in this section.

(Prior code § 99-18.1; Added Coun. J. 12-12-84, p. 11848; Mayoral veto. 12-18-84, p. 11986; Added 12-31-84, p. 12258; 9-13-89, p. 4607; Amend Coun. J. 4-22-93, p. 31043; Amend Coun. J. 11-5-93, p. 40151; Amend Coun. J. 5-18-94, p. 50664, § 1)

7-28-260 Containers--Use.

(a) It shall be the duty of the owner, his agent or occupant of every single dwelling, multiple dwelling producing less than 32 gallons of refuse per week,] or a multiple dwelling, occupational unit to cause all refuse produced therein to be deposited in a refuse container or compactor as provided in Section 7-28-220 or 7-28-225, and to keep a tightly fitting cover in place at all times when refuse is contained therein, except when opened for the deposit or removal of refuse. The owner, his agent or occupant shall maintain the container so that all refuse spilled during usage is removed and the area is cleaned in a timely manner. It shall be unlawful for any person other than the owner, his agent or occupant of the premises served by a refuse container to deposit or cause to be deposited therein any article or thing whatsoever.

(b) It shall be the duty of every person responsible for the installation, use or emptying of a sanitary refuse container to keep a tightly fitting cover in place at all times when refuse is contained therein, except when opened for the deposit or removal of refuse.

(c) Any person who violates any provision of this section shall be fined not less than $200.00 and not more than $500.00 for each use. Each day that a violation continues shall constitute a separate and distinct offense.

(Prior code § 99-19; Amend Coun. J. 7-13-94, p. 53272; Amend Coun. J. 7-7-99, p. 6985)

7-28-261 Accumulation of refuse--Responsibility.

(a) No person shall deposit refuse in a standard or commercial refuse container, or compactor, in a manner that prevents complete closure of the container's cover, or deposit refuse on top of a container in a manner that interferes with opening of the container, or pile or stack refuse against a container.

(b) The owner, his agent or occupant of a property shall not allow any person to violate subsection (a) of this section. The presence of refuse preventing complete closure of the container's cover, deposited on or piled or stacked against a standard refuse container, a commercial refuse container, or compactor shall be prima facie evidence of violation of this subsection (b).

(c) Any person who violates any provision of this section shall be fined not less than $200.00 and not more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 7-13-94, p. 53272; Amend Coun. J. 7-7-99, p. 6985)

7-28-270 Contents of standard and commercial refuse containers and compactors.

It shall be unlawful for any person to deposit in any refuse container or compactor any article or thing except refuse as defined in this chapter.

(Prior code § 99-20; Amend Coun. J. 7-7-99, p. 6985)

7-28-280 Removal of contents.

It shall be unlawful for any person other than a city refuse collector or a private scavenger licensed by the city, to remove, displace, uncover, or otherwise disturb, any refuse container or the contents thereof when placed on location, as provided for in Section 7-28-230.

(Prior code § 99-21)

7-28-290 Ashes.

Ashes stored inside any non-fireproof building shall be stored only in masonry bins, approved metal ash cans, or steel truck tanks. All ash containers shall be kept at least five feet from combustible material. Ashes shall not be stored inside or outside of any building in wood receptacles, or dumped in contact or in proximity to any combustible material.
(Prior code § 99-22)

7-28-300 Removal of restaurant garbage.

Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment that uses a commercial refuse container shall cause all substances deposited in such containers to be removed from his premises on each day of operation. Such person shall cause the removal and disposition of such substances in accordance with the provisions of this Code and the rules or regulations of the department of health relating to the disposition and removal of such substances.

(Prior code § 99-23; Amend Coun. J. 7-7-99, p. 6985)

7-28-301 Grease containers.

Any container used for the storage, collection or removal of cooking grease or kindred refuse shall be constructed of impervious material and subject to the inspection of the department of health and the department of streets and sanitation.

(Added Coun. J. 4-15-95, p. 67576; Amend Coun. J. 7-7-99, p. 6985)

7-28-302 Grease containers--Maintenance and removal.

(a) It shall be the duty of every person responsible for the use of a grease container in which cooking grease or kindred refuse is stored, to

(1) keep a tightly fitting cover in place, except when opened for the deposit or removal of its contents; and

(2) remove spillage after every use by applying a cleaning agent approved by the commissioner of the department of streets and sanitation, and

(3) contract with a licensed scavenger for grease removal.

(b) It shall be the duty of every grease hauler responsible for the collection of any grease container in which cooking grease or kindred refuse is stored, to (1) provide a tightly fitting cover for the container; (2) resecure the container cover if it is removed during collection; and (3) remove any grease spilled during collection by applying a cleaning agent approved by the commissioner of the department of streets and sanitation.

(c) In accordance with Section 7-28-302(a)(2) and (b)(2), cooking grease or kindred refuse spilled in the public way or open loading dock shall be cleaned with an inorganic, inert material capable of absorbing and neutralizing grease. Approved materials include, but are not limited to, sand, clay, bentonite, sawdust, and combinations of these materials sold as commercial absorbents.

(d) Any person who violates any provision of 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.

(Added Coun. J. 4-15-95, p. 67576; Amend Coun. J. 7-7-99, p. 6985; Amend Coun. J. 12-4-02, p. 99931, § 4.4)

7-28-303 Location of grease containers.

Individual hotels, cafes and retail food establishments generating more than 1,500 pounds of cooking grease or kindred refuse per month shall design space for and install sealed, odor and rodent resistant vacuum containers for the storage of grease. Such containers shall be indoors except when the department of streets and sanitation determines there is no suitable indoor location. If there is no suitable indoor location the grease must be contained in a suitable outdoor location on the property. The commissioner of the department of streets and sanitation shall have the authority to promulgate rules and regulations regarding the definition of suitable indoor location and outdoor location.

(Amend Coun. J. 7-7-99, p. 6985)

Editor's note: It should be noted that the provisions of this section shall be effective July 7, 2000.

7-28-305 Location of grease containers on the public way.

Grease containers may be placed on the public way in accordance with Article XIB of Chapter 10-28 of this Code and shall be granted only if the department of streets and sanitation determines that the premises has no other suitable location for the container. The commissioner of the department of streets and sanitation shall have the authority to promulgate rules and regulations regarding the definition of suitable location.

(Amend Coun. J. 7-7-99, p. 6985)

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 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.

Any person found in violation of this section shall be guilty of having created a nuisance and shall be fined not less than $200.00 nor more than $500.00 for the first offense, and no less than $400.00 nor more than $750.00 for the second and each subsequent offense. Each day that such violation persists shall constitute a separate and distinct offense.

(Prior code § 99-24; Added Coun. J. 12-20-89, p. 10135; Amend Coun. J. 7-7-99, p. 6985; Amend Coun. J. 12-4-02, p. 99931, § 4.5; Amend Coun. J. 9-4-03, p. 7118, § 23)

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

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

(b) It shall be the duty of the owner or manager to provide and maintain in good condition and repair litter baskets, sufficient in size and number to prevent any overflow or accumulation of litter outside of the containers. Litter baskets shall be placed at appropriate locations throughout the parking areas so as not to constitute a nuisance to adjacent properties or the occupants thereof.

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

(d) Any owner or other person found in violation of this section shall be fined not less than $200.00 and not more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 5-2-01, p. 56849, § 1)

7-28-320 Incinerators and ash chutes.

Incinerators and ash chutes shall be constructed in conformity with the building provisions of this Code.

(Prior code § 99-25)

7-28-330 Sale of garbage prohibited.

No person shall vend or attempt to vend in the city any fruit, vegetable, or other article of food that may be decayed or partially rotten, or that may have been taken from any barrel, box, or other receptacle for the same, in any public way of the city.

(Prior code § 99-26)

7-28-331 Commercial refuse containers and compactors--Identification.

(a) The owner of a commercial refuse container or compactor at abuilding where refuse is removed at the expense of the owner, his agent or occupant of the property, shall label the container with the following information: the address of the person using the commercial container; in the case of a business, the name of the business served by the container; and, in the case of a residential building, the name of the person responsible for payment for refuse collection service for that container at the building; except that this section shall not apply to grease containers as defined in section 10-28-791 of this Code. The labeling shall be indelible, in letters no less than one inch high, in a color that contrasts clearly with its background, placed on the vertical surface opposite the hinge of

the container's cover. The container shall be placed during normal use so that the label is visible from the alley adjacent to the building served by the container.

(b) No person shall cover, alter, obscure or remove the identifying label required under subsection (a) of this section.

(c) Any person who violates any provision of this section shall be fined not less than $200.00 and not more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 7-13-94, p. 53272; Amend Coun. J. 7-7-99, p. 6985; Amend Coun. J. 10-3-01, p. 68141, § 2)

7-28-340 Reserved.

Editor's note: Coun. J. 10-28-97, p. 54731 repealed § 7-28-340, which pertained to containers for manure storage.

7-28-350 Reserved.
Editor's note: Coun. J. 10-28-97, p. 54731 repealed § 7-28-350, which pertained to disposal of animal bedding.

7-28-360 Removal of refuse before vacation of premises.

It shall be the duty of every person occupying or controlling any lot, building, or structure, or any portion thereof, to remove or cause to be removed therefrom, before vacating the same, all garbage, ashes, miscellaneous waste and manure.

(Prior code § 99-29)

7-28-370 Reserved.

Editor's note: Coun. J. 10-28-97, p. 54731 repealed § 7-28-370, which pertained to manure and garbage loaded on railroad cars.

7-28-380 Refuse vehicles.

No person owning or controlling any vehicle used for the carrying or transporting of any garbage, ashes, miscellaneous waste, or manure shall cause or permit such vehicle when in use for such purpose to stand or remain before or near any building, structure, or premises occupied by any person; nor shall any person using any such vehicle cause or permit the use of an unreasonable or unnecessary length of time in and about the loading or unloading of any such vehicle when in use for such purposes, or cause or permit an unreasonable or unnecessary length of time to be used in passing along any public way; nor shall any person cause or permit any such cart or vehicle to be in a condition needlessly or unnecessarily filthy or offensive.
(Prior code § 99-31)

7-28-390 Dumping on public way--Violation--Penalty.

(a) No person owning or controlling any vehicle shall dump, deposit or dispose, or cause, suffer, allow, or procure to be dumped, deposited or disposed from that vehicle any ashes, refuse, or waste on the public way.

(b) No person owning or controlling any refuse vehicle shall cause or permit the vehicle to be so loaded, to be in such defective condition, out of repair, of faulty construction, or improperly driven or managed to permit any ashes, refuse, or waste to drop or fall on any public way or other place. The vehicle shall be constructed to prevent the emission of any odor and to prevent any part of the contents from falling, leaking, or spilling therefrom. It shall be the duty of every person in possession or control of any such vehicle to remove from the public way or any other place, any part of the contents of the vehicle which fell, dropped, or spilled onto the ground from the vehicle.

(c) For purposes of this section "ashes", "dispose", "refuse" and "waste" shall have the meaning ascribed to those terms in Section 11-4-120.

(d) Penalties imposed for violations of this section shall be as provided in Section 11-4-1600.

(Prior code § 99-31.1; Added Coun. J. 12-21-88, p. 23493; Amend 7-31-90, p. 19384; Amend Coun. J. 11-3-04, p. 34974, § 2)

7-28-395 Construction debris on public way prohibited.

Any person who constructs, demolishes, renovates, remodels, excavates or otherwise performs any maintenance operation on private property shall not allow any debris generated by that operation to accumulate on any adjacent public way and shall remove all debris from the public way at least once a day. Such person shall transport, remove and dispose of the debris in conformity with the requirements of this code and in a manner that does not cause any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system. If the public way is damaged during the removal process, such person shall restore the public way to the condition that it was in before the damage occurred or shall pay the city in full for any costs and expenses which the city incurs in connection with the performance of that work.

Any person who violates 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.

This section may be enforced by the department of streets and sanitation, the department of the environment, and the department of transportation.

As used in this section:

"Debris" means any dirt, rock, sand, construction or demolition waste, landscape waste, chipped paint, rubbish, rubble, garbage, trash, chemical residue, or any other miscellaneous material or substance generated by the construction, demolition, renovation, remodeling, excavation or performance of any other maintenance operation on private property. "Debris" does not include any item or material placed on the public way in compliance with a valid permit issued by the department of transportation.

(Added Coun J. 6-6-01, p. 60214, § 1)

7-28-400 Disinfection of refuse vehicles.

Any person owning or controlling any refuse vehicle shall cause all such vehicles, and all implements used in connection with the loading or unloading thereof, when not in use, to be stored and kept in such place and in such manner as not to create a nuisance, and shall cause all such vehicles and implements to be thoroughly disinfected and put in an inoffensive condition when so stored or not in use. Such vehicles and implements shall be thoroughly disinfected at least once a week, whether in use or not, unless the same shall not have been used since the last disinfection thereof.

(Prior code § 99-32)

7-28-410 Reserved.

Editor's note: Amend Coun. J. 11-3-04, p. 34974, § 2, repealed § 7-28-410, which pertained to dropping refuse from vehicle. See also the Code Comparative Table.

7-28-420 Industrial refuse.

The owner, lessee, occupant, or manager of every chemical factory, paint factory, blacksmith or other shop, forge, coalyard, brickyard or place where bricks are manufactured, foundry or manufactory or premises where like business is done, or any factory or premises in which tar or any compound thereof is handled, used, or manufactured, shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above-mentioned premises, or in the appurtenances thereof, and become filthy and offensive; nor shall any such owner, lessee, occupant, or manager cause or allow any dense smoke, cinders, dust, gas, or offensive odor to escape from any such building, structure, place, or premises which shall be offensive or prejudicial to the health or dangerous to the life of any person not being therein or thereupon engaged. It is hereby declared to be a nuisance to permit any ashes, cinders, rubbish, dirt, or refuse to accumulate on any of the above-mentioned premises, or the appurtenances thereof, and become filthy or offensive, or to cause or allow any dense smoke, cinders, dust, gas, or offensive odor to escape from any such building, structure, place, or premises, and the commissioner of buildings or any officer designated by him may summarily abate the same.

(Prior code § 99-34)

7-28-430 Decaying animal matter.

It shall be unlawful for any person having the ownership or control of any animal matter within the city which is in process of decay so as to be offensive or dangerous to the public health to permit the same to remain within the city or within one mile of the limits thereof, while in such condition, more than 12 hours after such animal matter shall have come into such offensive or dangerous condition, whether it be at an establishment for the rendering or changing the character thereof or not. Any person violating any provision of this section shall be fined not less than $50.00 and not more than $200.00 for each offense, and every day on which such violation shall continue shall be deemed a separate and distinct offense.

(Prior code § 99-35)

7-28-440 Dumping on real estate without permit--Nuisance--Violation--Penalty--Recovery of costs.

(a) No person shall dump, deposit, or dispose, or cause, suffer, allow, or procure to be dumped, deposited, or disposed on any lot or parcel of real estate within the city any ashes, refuse, or waste, except at a sanitary landfill site, liquid waste handling facility or transfer station for which a permit has been properly issued pursuant to the provisions of Chapter 11-4 of this Code. For purposes of this section "ashes", "dispose", "refuse" and "waste" shall have the meaning ascribed to those terms in Section 11-4-120. Such dumping without a permit is hereby declared to be a nuisance.

(b) Penalties imposed for violations of this section shall be as provided in Section 11-4-1600.

(Prior code § 99-36; Amend Coun. J. 10-15-87, p. 5194; Amend Coun. J. 7-31-90, p. 19384; Amend Coun. J. 6-12-91, p. 1459; Amend Coun. J. 10-14-92, p. 21818; Amend Coun. J. 7-14-93, p. 35530; Amend Coun. J. 6-14-95, p. 2990; Amend Coun. J. 3-6-96, p. 17618; Amend Coun. J. 7-29-03, p. 5530, § 1; Amend Coun. J. 11-3-04, p. 34974, § 2)

7-28-445 Illegal dumping--Anonymous program and reward.

(a) The commissioner of the environment or his designee shall establish a telephone number for receiving citizen reports of illegal dumping. A caller's anonymity will be preserved, either by assigning the caller an identification number or by some other method acceptable to the commissioner or his designee. If a caller to the telephone number furnishes information that leads to a finding of violation for illegal dumping, the commissioner or his designee shall provide for the caller to receive a reward of up to $500.00 for each such finding of violation. No city employee shall be eligible for any reward authorized by this section.

(b) For purposes of this section, "illegal dumping" shall refer to the disposal of ashes, construction or demolition debris, garbage, junk, manure, miscellaneous material, refuse, trash or other waste from one or more sources at a disposal site, lot, or parcel of real estate that is not permitted to receive such waste.

(c) For purposes of this section, "finding of violation" shall refer to a conviction, determination of guilt, fine, incarceration, permit or license revocation, or any other form of penalty, punishment or sanction for illegal dumping.

(Added Coun. J. 3-6-96, p. 17553; Amend Coun. J. 7-29-03, p. 5530, § 2)

7-28-450 Owner responsible for removal--Nuisance--Violation--Penalty--Notice--Costs.

a. The owner, occupant, agent or person in possession or control of any lot or unimproved parcel of real estate ("owner") shall remove or cause to be removed therefrom any abandoned or derelict motor vehicle as defined in Section 9-80-110 of this Code, ashes, refuse, or waste. Unremoved material of such nature is

hereby declared to be a public nuisance. Any owner or other person found in violation of this section shall be punished by a penalty of not less than $500.00 and not more than $1,000.00 for each offense, and each day on which such an offense shall continue shall constitute a separate and distinct offense; however, this section shall not apply to any governmental entity nor to any owner upon whose lot or parcel such material is permitted to accumulate pursuant to a properly issued license or permit in accordance with zoning provisions of this Code governing special uses in general and heavy manufacturing districts. For purposes of this subsection, an "agent" of any unimproved lot shall include a person who contracts with the federal government or any of its agencies, including without limitation the department of housing and urban development, to care for vacant residential real estate.

b. The owner, occupant, agent or person in possession or control of any residence or business ("owner") shall remove or cause to be removed any ashes, refuse, and waste located upon his property or place of business. Unremoved material of such nature is hereby declared to be a public nuisance. Any owner or other person found in violation of this section shall be punished by a penalty of not less than $500.00 and not more than $1,000.00 for each offense. Each day on which such an offense shall continue shall constitute a separate and distinct offense.

c. The owner, occupant, agent or person in possession or control of any railroad track which lies upon any overpass, bridge, trestle, viaduct, tunnel or other elevated railroad passageway ("owner") shall maintain the area immediately beneath the overpass, bridge, trestle, viaduct, tunnel or other elevated railroad passageway clear of any track materials, including any rail, ties or ballast, and any debris which has fallen to the ground from the track or elevated passageway structure, including any rocks, concrete, stone, wood or metal. Unremoved material or debris of such nature is hereby declared to be a public nuisance. Any person found in violation of this section shall be punished by a penalty of not less than $500.00 and not more than $1,000.00 for each offense. Each day on which such an offense shall continue shall constitute a separate and distinct offense. This subsection shall not apply to the Chicago Transit Authority.

d. Where the owner of any lot, parcel of real estate, railroad track, residence, or place of business upon which a nuisance exists is or can be found, the commissioner of streets and sanitation or a designee or the commissioner of the environment or a designee shall serve notice in writing by first class mail, delivery confirmation requested, upon the owner requiring him to abate the nuisance within three days from the date of receipt of notice in the manner either commissioner may prescribe. If the owner fails within three days to abate the nuisance or if the owner is unknown or cannot with due diligence be found, either commissioner may proceed to abate the nuisance or seek to enjoin the nuisance. If a motor vehicle is the nuisance or a part of it, either commissioner shall serve notice in the same manner upon the last registered owner of the vehicle.

If the owner of the vehicle does not remove the vehicle within three days after receipt of the notice, either commissioner may proceed to remove and impound the vehicle. In addition to any penalty or fine, a penalty in the amount equal to three times the cost or expense incurred by the city in abating a nuisance may be recovered in an appropriate action instituted by the corporation counsel. Nothing in this section shall be construed to prevent the City of Chicago from acting without notice to abate a nuisance in an emergency where the nuisance poses an immediate threat to public health or safety, nor shall this section be construed to deny any common law right to anyone to abate a nuisance.

e. For purposes of this section "ashes", "dispose", "refuse" and "waste" shall have the meaning ascribed to those terms in Section 11-4-120.

(Prior code § 99-36.1; Amend Coun. J. 12-18-86, p. 38654; 3-9-88, p. 11146; 7-31-90, p. 19384; 12-11-91, p. 10978; Amend Coun. J. 4-29-98, p. 66565; Amend Coun. J. 1-12-00, p. 24174, § 1; Amend Coun. J. 11-3-04, p. 34974, § 2)

7-28-460 Substances that scatter in wind.

No lime, ashes, coal, dry sand, hair, feathers, or other substance that may be scattered by the wind, shall be sifted through a sieve, agitated, or exposed. No mat, carpet, or cloth shall be shaken or beaten, nor any cloth, yarn, garment, material, or substance be scoured, cleaned, or hung, nor shall any business be conducted over or in any public way, or where particles set in motion therefrom will pass into any public way, or into any occupied premises. No usual or reasonable precaution shall be omitted by any person to prevent fragments or other substances from falling, or dust and light material from flying, into any public way or into any place or building from any building or structure while the same is being altered, repaired, or demolished. Any person who violates this section shall be subject to a fine of not less than $300.00 and not more than $1,000.00 for each offense. Each day that such a violation continues shall be considered a separate and distinct offense.

(Prior code § 99-38; Amend Coun. J. 11-15-00, p. 46866, § 1)

7-28-470 Refuse on roof or in areaway.

It shall be unlawful for any person to place, throw, deposit, or cause to be placed, thrown, or deposited, any substance, papers, refuse, or other article, or any material, on the roof of any building, or in any light or air shaft, court, or areaway that will cause the dissemination of dust or odors, or be productive of a nuisance or a menace to the health, comfort, or safety of any person or of the community. No person in possession or control of any building shall permit or allow the deposit or accumulation on the roof of said building or in any light or air shaft, court, or areaway, of any waste material, refuse, or other object or thing that will cause a nuisance or be injurious to the health, comfort, or safety of any person or of the community.

(Prior code § 99-39)

7-28-480 Inspection of roofs and areaways.

It shall be the duty of the commissioner of buildings or his authorized representative to make inspections at least twice each year of the roofs, light and air shafts, courts, and areaways of all buildings where he has reason to believe a nuisance exists or any of the regulations of this Code are being violated. It shall be the

duty of the person in possession or control of any such building to allow the commissioner of buildings or his authorized representative entrance or access, at all reasonable times, to such building for the purpose of inspection or for the making of such records as may be necessary.

(Prior code § 99-40)

7-28-490 Roofers.

It shall be unlawful for any person engaged in or conducting in the city the business of roofing of buildings, to throw dirt or roofing refuse from the roof of any building upon any public way or upon adjoining property while repairing or renewing roofs.
(Prior code § 99-41)

7-28-500 Removal of roofing refuse.

Every person engaged in or conducting in the city the business of roofing of buildings, shall remove the dirt and roofing refuse from the roofs by lowering it in buckets or containers, or with ropes, pulleys, or other mechanical devices while repairing or renewing roofs.

(Prior code § 99-42)

7-28-510 Objects that may damage tires--Illegal to dump on public way.

It shall be unlawful for any person to throw, dump or deposit upon any public way any glass article, broken glass, nails, tacks, sharp metal objects or other articles or material that may cause damage to rubber tires of motor vehicles. It shall be the duty of every owner or person in possession or control of any motor vehicle, the glass or metal parts from which are broken and dropped upon any public way, to promptly remove such broken glass and metal parts and restore the public way to a condition safe for automotive traffic.
(Prior code § 99-42.1)

7-28-511 Definitions.

As used in Sections 7-28-511 through 7-28-519, the following terms and phrases shall be understood as having the following meanings:

A. "Animal waste" means waste such as body parts, carcasses and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

B. "Biologicals" means, but is not limited to secretions, suctionings, excretions, exudates, and other body fluids which cannot be directly discarded into a municipal sewer system.

C. "Blood" means human or animal blood and blood products, including but not limited to plasma, serum and material containing free flowing blood and blood components.

D. "Board" means the Chicago Board of Health appointed by the mayor of the City of Chicago.

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

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

G. "Facility" means any site that produces, stores, treats, transports, hauls or disposes of infectious waste.

H. "Infectious agent" means an organism that is capable of producing infection or infectious disease.

I. "Infectious waste" means waste produced in connection with human or animal patient care and materials generated as a result of patient diagnosis, treatment, immunization, or the preparation of human remains for cremation or burial, that is contaminated with or may be contaminated with an infectious agent, and includes laboratory waste, pathological waste, isolation waste, blood, regulated fluids, sharps and animal waste. "Infectious waste" shall not include general refuse, such as food products and containers, packaging materials, and materials that are not used in connection with patient care.

J. "Isolation waste" means all waste from the care or treatment of patients who are isolated to prevent the spread of communicable diseases except reverse protection isolation.

K. "Laboratory waste" means cultures and stocks of infectious agents and associated biologicals including: human and animal cultures from medical and/or pathological laboratories; cultures and stocks of infectious agents from research, commercial or industrial laboratories; waste from the production of biologicals; discarded live and attenuated vaccines; culture dishes and other devices used to transfer, inoculate and mix cultures; and specimens of regulated body fluid.

L. "Pathological waste" means human tissues, body parts and body organs that are removed during surgery and autopsy or other medical procedures.

M. "Person" means any individual, partnership, company, corporation, association, firm, organization, trust or other legal entity, including any city, county, district, state or federal department or agency, located within the corporate limits of the City of Chicago.

N. "Producer" means a person whose business or professional activities produce or generate infectious waste, including but not limited to medical facilities; laboratories; clinics; blood banks, whether mobile or freestanding; doctor's, dentist's or veterinarian's offices, or buildings; freestanding dialysis centers; nursing homes; extended care facilities; health maintenance organizations not located exclusively within a licensed hospital; and funeral homes and crematoriums. When more than one person (as defined in subsection M of this section) is located in the same building, each individual business entity is a separate producer under this ordinance.

"Producer" does not include persons who produce infectious waste during self-treatment and family members, physicians or individuals associated with a visiting or home care service or organization,

who administer or direct health care in a person's residence. "Producer" specifically does not include any licensed hospital facility located within the City of Chicago that is presently regulated by the Illinois Environmental Protection Act for the disposal of hospital wastes.

O. "Regulated body fluids" means cerebrospinal fluids, synovial fluids, pleunal fluids, peritoneal fluids, pericardial fluids and amniotic fluids.

P. "Sharps" means any discarded article used in animal care, patient care or medical, industrial or research laboratories, that may cause punctures or cuts. Sharps include hypodermic needles, tubings with needles attached, scalpel blades, syringes (with or without the attached needle), pasteur pipettes, blood vials, culture dishes that have been removed from their original sterile containers, and broken or unbroken glassware that has been in contact with infectious agents, such as used slides.

Q. "Treatment" means a method, technique or process to treat infectious waste so as to render such waste innocuous, as authorized under Sections 7-28-511 through 7-28-519 and all applicable state and federal laws.

(Added Coun. J. 9-12-90, p. 20461)

7-28-512 Application.

All persons regulated herein shall comply with the provisions of this ordinance, the rules and regulations promulgated thereunder, all other provisions of the City of Chicago Municipal Code applicable to medical wastes and all applicable federal and state laws, rules and regulations. Any licensed hospital facility located within the City of Chicago and presently regulated under the Illinois Environmental Protection Act and its applicable rules and regulations pertaining to hospital waste and disposal is specifically excluded from the application of this ordinance.

(Added Coun. J. 9-12-90, p. 20461)

7-28-513 Waste management.

A. Segregation. All producers of infectious waste must segregate such waste as a separate waste stream from point of origin to transfer to a licensed hauler or disposed of in accordance with the provisions of Sections 7-28-511 through 7-28-519. All licensed haulers of infectious waste must package, contain, store, transport and dispose of in a manner that shall prevent any uncontrolled release of the waste materials.

B. Containment.

(1) Except as is otherwise provided in subdivision (3) of this subsection relating to the containment of sharps, infectious waste shall be contained and placed in disposable plastic bags which are impervious to moisture and of strength sufficient to preclude tearing, ripping or bursting under normal conditions of usage and handling. The bags shall be securely tied to prevent leakage or expulsion of waste during storage, handling and transport.
(2) All bags used for the containment of infectious waste shall be in red in color and clearly labeled by the producer with the standard international biohazard symbol or with the words "Infectious Waste."
(3) All sharps shall be contained in rigid, puncture-resistant containers which are taped closed or tightly enclosed to prevent loss of the contents. Rigid containers of sharp waste shall be red in color, clearly labeled by the producer with the international biohazard symbol or with the words "Infectious Waste," and placed, fully secured, in the labeled disposable bags used for other infectious waste.

C. Storage.

(1) All infectious waste shall be placed for storage or handling in pails, cartons, drums, dumpsters or portable bins used exclusively for the storage of such waste. Such a containment system shall be leakproof, have tight-fitting locked covers and be kept clean and in good repair at all times. Containers used for such storage shall be prominently labeled with either the standard international biohazard symbol or with the words "Infectious Waste" on the lids or sides so as to be readily visible.

(Added Coun. J. 9-12-90, p. 20461)

7-28-514 Treatment of infectious waste.

All infectious waste shall be treated and disposed of in compliance with all statutory rules and regulations applicable to the disposal of hospital waste pursuant to the Illinois Environmental Protection Act and its implementing regulations.
(Added Coun. J. 9-12-90, p. 20461)

7-28-515 Transportation.

A. A producer of infectious waste shall arrange for removal of its infectious waste with a hauler or transporter for off-site disposal who holds a special waste hauling permit issued by the Illinois Environmental Protection Agency, under its regulations Title 35, Subtitle G., Ch. 1, Subc. h, Part 809, et seq.

B. No person other than a hauler or transporter holding a special waste hauling permit shall transport infectious waste off-site; provided, however, that a licensed physician or nurse may personally transport off-site medical waste not to exceed a total of six pounds to an approved infectious waste treatment or storage facility within the City of Chicago or county of Cook provided that all infectious medical waste is properly contained and identified while in transport and that such transport shall be completed within 12 hours from the time the waste was generated.

C. No person except a physician or nurse as noted in subsection B shall transport infectious waste to any off-site facility for storage, treatment or disposal in any vehicle that does not display a registration number and seal as required by the Illinois Environmental Protection Act and applicable Illinois law and statutes.

D. Each vehicle except vehicles used by a physician or nurse as noted in subsection B shall comply with the regulations adopted by the Illinois Department of Transportation, the United States Department of Transportation or the United States Environmental Protection Agency, whichever has jurisdiction, if applicable.

E. Each vehicle, except vehicles used by a physician or nurse as noted in subsection B, used to transport infectious waste off-site for storage, treatment or disposal shall be labeled, marked and shall display placards or the standard biohazard symbols indicating that infectious medical waste is contained in the vehicle. This identification is for informational purposes only, and does not constitute an independently enforceable regulation with respect to labeling, marking and placarding requirements.
The commissioner shall promulgate rules and regulations for the implementation and enforcement of these requirements.

(Added Coun. J. 9-12-90, p. 20461)

7-28-516 Management plan.

A. Every person who generates or produces infectious medical waste shall prepare and maintain an infectious waste plan on file at its facility.

B. Every person who transports, stores, hauls or disposes of infectious medical waste shall prepare and maintain an infectious waste plan on file at all of the facilities.

C. These plans shall be made available to the commissioner or a person authorized by the commissioner, at the time of any inspection of the facility, or upon notice and demand.

The commissioner shall promulgate rules and regulations for the implementation and enforcement of this program.

(Added Coun. J. 9-12-90, p. 20461)

7-28-517 Responsibilities and enforcement authority.

A. Rulemaking Authority. The commissioner, in conjunction with the board, shall adopt rules and regulations necessary for the administration of this ordinance.
B. Regulatory Authority. When evidence of an alleged violation of any provision of this ordinance is presented to the commissioner, the commissioner, or any employee authorized by the commissioner shall serve upon the facility a written notice, informing the person(s) of the alleged violation(s). The owner or operator of the facility shall contact the department for an inspection of the site within five working days of the receipt of such notice of violation. Failure to do so will result in an inspection of the facility at a time and date determined by the department.
C. Inspection. At any time of any inspection, and the presentation of credentials, the inspector may:
(1) Enter upon the property or facility, public or private, for the purpose of taking any action authorized by this ordinance, including obtaining information and conducting investigations; and
(2) Examine all documents related to compliance with this section subject to the Medical Practice Act or court order.
(Added Coun. J. 9-12-90, p. 20461; Corrected. 11-28-90, p. 26324)

7-28-518 Penalties.

A. Any person who violates any provision of this ordinance or its rules and regulations, shall, upon conviction, be fined not less than $500.00 nor more than $1,000.00 for the first offense, not less than $1,000.00 nor more than $2,000.00 for the second offense, and not less than $2,000.00 nor more than $5,000.00 for a third or any subsequent offense.

B. In the event infectious waste is found which has been disposed of in violation of this ordinance, the departments of health and the environment shall take or direct all action necessary to insure proper disposal of such waste. Any person responsible for such improper disposal shall, in addition to the penalties specified above, be required to pay any and all costs incurred by the city to dispose of such waste.

(Added Coun. J. 9-12-90, p. 20461; Amend Coun. J. 12-11-91, p. 10978)

7-28-519 Severability.

If any provision, clause, sentence, paragraph, section or part of this ordinance or application thereof to any person 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 the ordinance and the application of such provision to other persons 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 said judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to be the legislative intent of the city council that the ordinance would have been adopted had not such invalid provision or provisions been included.

(Added Coun. J. 9-12-90, p. 20461)

7-28-520 Additional penalty for violation of article.

In addition to other penalties cited in this chapter, if any person or business performing work under contract with the city is found guilty of violating the provisions of Sections 7-28-200 through 7-28-519 inclusive, the city may terminate the contract by giving written notice of the termination to the person or business. The contract shall be null and void upon delivery of such notice.

(Prior code § 99-42.2; Added Coun. J. 7-29-86, p. 32488; Amended during Supplement No. 2, 4-91; Amend Coun. J. 3-6-96, 17618)

TITLE 8 OFFENSES AFFECTING PUBLIC PEACE, MORALS AND WELFARE

Chapter 8-4 PUBLIC PEACE AND WELFARE

8-4-010 Disorderly conduct.

A person commits disorderly conduct when he knowingly:

(a) Does any act in such unreasonable manner as to provoke, make or aid in making a breach of peace; or

(b) Does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of peace or imminent threat of violence; or

(c) Refuses or fails to cease and desist any peaceful conduct or activity likely to produce a breach of peace where there is an imminent threat of violence, and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity, and have requested that said conduct and activity be stopped and explained the request if there be time; or

(d) Fails to obey a lawful order of dispersal by a person known by him to be a peace officer under circumstances where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm; or

(e) Assembles with three or more persons for the purpose of using force or violence to disturb the public peace; or

(f) [Reserved.]

(g) Appears in any public place manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity; or

(h) Carries in a threatening or menacing manner, without authority of law, any pistol, revolver, dagger, razor, dangerous knife, stiletto, knuckles, slingshot, an object containing noxious or deleterious liquid, gas or substance or other dangerous weapon, or conceals said weapon on or about the person or vehicle; or

(i) Pickets or demonstrates on a public way within 150 feet of any primary or secondary school building while the school is in session and one-half hour before the school is in session and one-half hour after the school session has been concluded, provided that this subsection does not prohibit the peaceful picketing of any school involved in a labor dispute; or

(j) Pickets or demonstrates on a public way within 150 feet of any church, temple, synagogue or other place of worship while services are being conducted and one-half hour before services are to be conducted and one-half hour after services have been concluded, provided that this subsection does not prohibit the peaceful picketing of any church, temple, synagogue or other place of worship involved in a labor dispute.

A person convicted of disorderly conduct shall be fined not more than $500.00 for each offense.

(Prior code § 193-1; Amend Coun. J. 3-27-02, p. 82299, § 1; Amend Coun. J. 12-4-02, p. 99931, § 5.1; Amend Coun. J. 4-9-03, p. 106396, § 1)

8-4-015 Gang loitering.

(a) Whenever a police officer observes a member of a criminal street gang engaged in gang loitering with one or more other persons in any public place designated for the enforcement of this section under subsection (b), the police officer shall, subject to all applicable procedures promulgated by the superintendent of police:

(i) inform all such persons that they are engaged in gang loitering within an area in which loitering by groups containing criminal street gang members is prohibited; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and (iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further gang loitering within sight or hearing of the place at which the order was issued during the next three hours.

(b) The superintendent of police shall by written directive designate areas of the city in which the superintendent has determined that enforcement of this section is necessary because gang loitering has enabled criminal street gangs to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities. Prior to making a determination under this subsection, the superintendent shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of gang activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the department of police with special training or experience related to criminal street gangs; other personnel of that department with particular knowledge of gang activities in the proposed designated area; elected and appointed officials of the area; community-based organizations; and participants in the Chicago Alternative Policing Strategy who are familiar with the area. The superintendent shall develop and implement procedures for the periodic review and update of designations made under this subsection.

(c) The superintendent shall by written directive promulgate procedures to prevent the enforcement of this section against persons who are engaged in collective advocacy activities that are protected by the Constitution of the United States or the State of Illinois.

(d) As used in this section:

(1) Gang loitering means remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to enable a criminal street gang to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities.

(2) Criminal street gang means any ongoing organization, association in fact or group of three or more persons, whether formal or informal, having as one of its substantial activities the commission of one or more of the criminal acts enumerated in paragraph (3), and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(3) Criminal gang activity means the commission, attempted commission or solicitation of the following offenses, provided that the offenses are committed by two or more persons, or by an individual at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members:
the following sections of the Criminal Code of 1961: 9-1 (murder), 9-3.3 (drug-induced homicide), 10-1 (kidnapping), 10-4 (forcible detention), subsection (a)(13) of Section 12-2 (aggravated assault--discharging firearm), 12-4 (aggravated battery), 12-4.1 (heinous battery), 12-4.2 (aggravated battery with a firearm), 12-4.3 (aggravated battery of a child), 12-4.6 (aggravated battery of a senior citizen), 12-6 (intimidation), 12-6.1 (compelling organization membership of persons), 12-11 (home invasion), 12-14 (aggravated criminal sexual assault), 18-1 (robbery), 18-2 (armed robbery), 19-1 (burglary), 19-3 (residential burglary), 19-5 (criminal fortification of a residence or building), 20-1 (arson), 20-1.1 (aggravated arson), 20-2 (possession of explosives or explosive or incendiary devices), subsections (a)(6), (a)(7), (a)(9) or (a)(12) of Section 24-1 (unlawful use of weapons), 24-1.1 (unlawful use or possession of weapons by felons or persons in the custody of the department of corrections facilities), 24-1.2 (aggravated discharge of a firearm), subsection (d) of Section 25-1 (mob action -- violence), 33-1 (bribery), 33A-2 (armed violence), Sections 5, 5.1, 7 or 9 of the Cannabis Control Act where the offense is a felony (manufacture or delivery of cannabis, cannabis trafficking, calculated criminal cannabis conspiracy and related offenses), or Sections 401, 401.1, 405, 406.1, 407 or 407.1 of the Illinois Controlled Substances Act (illegal manufacture or delivery of a controlled substance, controlled substance trafficking, calculated criminal drug conspiracy and related offenses).

(4) Pattern of criminal gang activity means two or more acts of criminal gang activity of which at least two such acts were committed within five years of each other.

(5) Public place means the public way and any other location open to the public, whether publicly or privately owned.

(e) Any person who fails to obey promptly an order issued under subsection (a), or who engages in further gang loitering within sight or hearing of the place at which such an order was issued during the three-hour period following the time the order was issued, is subject to a fine of not less than $100.00 and not more than $500.00 for each offense, or imprisonment for not more than six months for each offense, or both. A second or subsequent offense shall be punishable by a mandatory minimum sentence of not less than five days imprisonment.

In addition to or instead of the above penalties, any person who violates this section may be required to perform up to 120 hours of community service pursuant to Section 1-4-120 of this Code.
(Added Coun. J. 6-17-92 p. 18292; Amend Coun. J. 2-16-00, p. 25705, § 1)
Editor's note: Prior to amendment by Amend Coun .J. 2-16-00, p. 25705, § 1, § 8-4-015 pertained to gang-related congregations.

8-4-017 Narcotics-related loitering.

(a) Whenever a police officer observes one or more persons engaged in narcotics-related loitering in any public place designated for the enforcement of this section under subsection (b), the police officer shall:

(i) inform all such persons that they are engaged in loitering within an area in which such loitering is prohibited;

(ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and

(iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further narcotics-related loitering within sight or hearing of the place at which the order was issued during the next three hours.

(b) The superintendent of police shall by written directive designate areas of the city in which enforcement of this section is necessary because the areas are frequently associated with narcotics-related loitering. Prior to making a determination under this subsection, the superintendent shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of narcotics-related activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the department of police with special training or experience related to narcotics-related activity; other personnel of that department with particular knowledge of narcotics-related activities in the proposed designated area; elected and appointed officials of the area; community-based organizations; and participants in the Chicago Alternative Policing Strategy who are familiar with the area. The superintendent shall develop and implement procedures for the periodic review and update of designations made under this subsection.

(c) As used in this section:

(1) Narcotics-related loitering means remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to facilitate the distribution of substances in violation of the Cannabis Control Act or the Illinois Controlled Substances Act.

(2) Public place means the public way and any other location open to the public, whether publicly or privately owned.

(d) Any person who fails to obey promptly an order issued under subsection (a), or who engages in further narcotics-related loitering within sight or hearing of the place at which such an order was issued during the three-hour period following the time the order was issued, is subject to a fine of not less than $100.00 and not more than $500.00 for each offense, or imprisonment for not more than six months for each offense, or both. A second or subsequent offense shall be punishable by a mandatory minimum sentence of not less than five days imprisonment.

In addition to or instead of the above penalties, any person who violates this section may be required to perform up to 120 hours of community service pursuant to Section 1-4-120 of this Code.

(Amend Coun .J. 2-16-00, p. 25705, § 1)

8-4-020 Inciting riots, etc.

It is unlawful to create a clear and present danger of a riot or assault, battery, or other unlawful trespass against any person or group of persons because of his or their race, religion, color, national origin, or ancestry, or to create a clear and present danger of arson, vandalism, defacement, or other unlawful trespass against property because of the race, religion, color, national origin, or ancestry of the owner, possessor, or authorized user or users of said property, or, in the case of a cemetery, of the decedent buried therein.

The term "person" as used in this section shall include one or more individuals, copartnerships, corporations, firms, organizations, associations, leagues, or other bodies.

Any person violating the provisions of this section shall be fined not less than $25.00 nor more than $200.00 or imprisoned for not less than ten days or more than six months, or both, for each offense.

(Prior code § 193-1.1)

8-4-025 Aggressive panhandling.

(a) Definitions. For purposes of this section:

(1) "Panhandling" means any solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person, and includes but is not limited to seeking donations:

(A) By vocal appeal; or

(B) Where the person being solicited receives an item or service of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

"Panhandling" shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is sought, without any vocal request except in response to an inquiry by another person. Nothing in this section shall be construed to permit any sound currently prohibited by Chapter 11-4 of this Code.

(2) "Public place" shall mean any area to which the public is invited or permitted, and includes the public way.

(3) "Automated teller machine" means any automated teller machine as defined by the Automated Teller Machine Security Act, 205 ILCS 695, as amended.

(4) "Bank" means any bank or financial institution as defined by the Illinois Banking Act, 205 ILCS 5, as amended.

(5) "Currency exchange" means any currency exchange as defined by the Currency Exchange Act, 205 ILCS 405, as amended.

(b) It shall be unlawful to engage in an act of panhandling:

(1) When either the panhandler or the person being solicited is located within any of the following locations: within ten feet of a bus shelter or a posted Chicago Transit Authority bus stop sign; in any public transportation vehicle or public transportation facility; in a vehicle which is parked or stopped on a public street or alley, except for those solicitations permitted under Section 10-8-160 of this Code; in a sidewalk cafe or restaurant; in a filling station; or within ten feet in any direction from an automatic teller machine or entrance to a bank or currency exchange; or

(2) In a manner that a reasonable person would find intimidating, including any of the following actions when undertaken in a manner that a reasonable person would find intimidating:

(A) Touching the solicited person without the solicited person's consent;

(B) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

(C) Blocking the path of a person being solicited, or the entrance to any building or vehicle;

(D) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;

(E) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or

(F) Panhandling in a group of two or more persons.

(c) Any person who violates any provision of this section shall be subject to a fine of $50.00 for a first or second offense within a 12-month period, and a fine of $100.00 for a third or subsequent offense within a 12-month period.

(d) The provisions of this section are declared to be separate and severable. The invalidity of any provision of this section, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

(Added Coun. J. 9-29-04, p. 32193, § 1)

8-4-030 Drinking in public ways.

(a) It shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way or in or about any motor vehicle upon a public way in the city. This section shall not apply to portions of the public way occupied by a sidewalk cafe permitted pursuant to Chapter 10-28 of the municipal code which is properly licensed to sell alcoholic liquor, or to any portion of the public way located on Navy Pier.

(b) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle upon any public way in the city except in the original package and with the seal unbroken.

(c) Any person violating any provision of this section shall be fined not less than $100.00 nor more than $500.00 or shall be punished by imprisonment for a period of six months or by both such fine and imprisonment.

(Prior code § 193-1.2; Amend Coun. J. 4-18-85, p. 15204; Amend Coun. J. 6-14-95, p. 3087; Amend Coun. J. 11-12-97, p. 56853; Amend Coun. J. 3-15-00, p. 27687, § 1)

8-4-040 Defacing and injuring house of worship and cemeteries. Any person who wilfully defaces, mars, injures, destroys or removes any vault, tomb, monument, gravestone, memorial of the dead, church, synagogue, or any other structure constituting a place of worship of any religion, sect or group, or any part of any contents thereof, or any fence, tree, shrub or plant appurtenant thereto, shall be fined not less than $100.00 nor more than $500.00, or imprisoned for not more than six months, or both such fine and imprisonment, for each offense. Each such act of marring, injuring, destroying or removal shall constitute a separate offense.

(Prior code § 193-1.3)

8-4-050 Trespassing.

A person commits trespass when he knowingly:

(a) Enters the property, or any part thereof, of another when, immediately prior to such entry, he receives notice, either oral or written, from the owner or occupant that such entry is forbidden; or

(b) Remains upon the property, or any part thereof, of another after receiving notice, either oral or written, from the owner or occupant to depart; or

(c) Enters upon property open to the public, or any part thereof, and remains thereon with a malicious and mischievous intent after receiving notice, either oral or written, from the owner or occupant to depart;

(d) Wilfully defaces, mars, injures or destroys any building or part of any building or any property of another with paint, tar, acid, grease, oil, or other such substance which would detrimentally alter the outer face or substance of such building or any property of another, or any fence, tree, shrub or plant appurtenant thereto. Any person convicted of trespass shall be fined not less than $100.00 nor more than $500.00.

(Prior code § 193-1.4)

8-4-052 Anti-loitering and/or trespassing program.

(a) The department of police shall implement and enforce a program designed to maintain peace and discourage trespassing and other illegal activity within the program area.

(b) The program area shall include only property adjacent to South and West Archer Avenue between West 47th Street and South Harlem Avenue and the property adjacent to West 63rd Street between South Harlem Avenue and South Austin Avenue within the 23rd Ward of the City of Chicago.

(c) Any person owning or controlling property in the program area on which there is situated a parking lot or open space upon which vehicle may be parked shall erect and maintain signs stating "No Loitering" and "No Trespassing ." The signs shall be displayed in a manner that makes them clearly visible from the sidewalk or street. The department of police shall enforce such signs at all times.

(d) No person may park a motor vehicle on any private property within the program area, including any parking lot of a business establishment, without the express or implied consent of the person who owns or controls the property. The department of police shall maintain separate computer records of information concerning persons suspected of violating this subsection.

(e) Any person who violates this section shall be subject to a fine of not less than $100.00 and not more than $200.00 for a first offense, and not less than $100.00 and not more than $300.00 for each subsequent offense.

(f) This section is repealed January 1, 1995.

(Added Coun. J. 7-31-90, p. 19850; Amend Coun. J. 4-22-93, p. 31524)

8-4-054 Outdoor pay telephones prohibited.

(a) Except as otherwise provided in this section, no person shall install or maintain any telephone booth, mounted telephone, or other form of pay telephone not enclosed within the interior of a building unless it is located on the public way and in accordance with Section 10-28-265 of this Code. Any outdoor pay telephone located on property other than the public way in violation of this section shall be removed by its owner, any person with control over the payphone, or the owner of real estate on which the payphone is located, within 30 days after the effective date of this section.

(b) Any person who violates any provision of subsection (a) of this section shall be subject to a fine of not less than $50.00 and not more than $200.00 for each offense. If an outdoor pay telephone is installed in violation of this section at substantially the same location where a telephone was previously removed pursuant to this section, any person participating in the violation shall be fined not less than $200.00 and not more than $500.00. Each day that a violation of subsection (a) continues shall constitute a separate offense. However, for the period ending six months after the effective date of this amendatory ordinance, no fine shall be imposed with respect to a telephone unless a removal notice has been posted on the telephone pursuant to this section.

(c) Notwithstanding any other provision of this section, the director of revenue may issue a revocable certificate of registration jointly authorizing the owner of real property on which a telephone is to be located and a telecommunications company that will operate the telephone, subject to the conditions of this section, the installation or maintenance of a telephone booth, mounted telephone, or other form of pay telephone not enclosed within the interior of a building and not on the public way, but permitted by this subsection (c). The certification of registration shall create no legal rights or entitlements, and shall not be deemed to create any type of vested interest. The application for the certificate of registration shall designate a registered agent for receiving notices under this

section. Applications shall be maintained by the city as confidential business records. The certification shall be issued no later than 30 days after a complete application for an eligible location is received. No certificate of registration shall authorize installation of a telephone at a location that the director determines will not be in the public interest or may have a deleterious impact on the surrounding neighborhood. The director of revenue may issue a certificate of registration pursuant to this section for no more than two telephones on any zoning lot of property; provided that the number of telephones authorized under this section for any parking lot with 200 or more parking spaces, or for any property on which there are facilities designed for public assembly and having a capacity for more than 10,000 persons, shall not exceed a number determined by the director by rule as necessary for public convenience. No certificate of registration shall authorize a telephone situated: (i) on vacant property; (ii) on property on which there is situated an abandoned building; (iii) on property on which there is situated an establishment that has or requires a tavern license, or that is kept, used, maintained, advertised and held out to the public as a place that primarily sells alcoholic liquor at retail; or (iv) on property on which there is a building that is used primarily for residential purposes. Certificates of registration shall be issued for particular locations identified in the application therefor. The director of revenue by rule may establish and impose an application fee or an annual registration fee, or both, for certificates of registration issued under this section. The total amount of the fees may not exceed an amount sufficient for the city to recover its costs in administering this section, exclusive of costs directly related to preliminary or final hearings. A copy of each application for a certificate of registration shall be sent to the alderman for the ward in which the proposed telephone is to be located not less than five days after the application is received.

(d) Whenever the director of revenue determines that it is not in the public interest for the telephone to remain on private property, or that the telephone may have a deleterious impact on the surrounding neighborhood, the director shall initiate procedures to revoke the certificate of registration for that telephone. A certification by the alderman of the ward in which the telephone is or is to be located setting forth facts establishing that it is not in the public interest for the telephone to remain on private property, or that the telephone has a deleterious impact on the surrounding neighborhood, shall be prima facie evidence that the certificate or registration is subject to revocation or should not be issued under this section. Whenever the director makes such a determination with respect to a telephone for which a certificate or registration has been issued, the director shall attempt to notify the registrant of the determination by mailing a notice to the registered agent or the registrant, and a representative of the City of Chicago may enter upon any private property and may place upon the telephone a notice stating that the certificate of registration is subject to revocation and that the registrant has a right to request a preliminary hearing at which the registrant will be given an opportunity to be heard in opposition to the revocation within seven days of the notice. The preliminary hearing shall be informal and shall provide the registrant with an opportunity to address the reasons for the director's preliminary determination. If no preliminary hearing is requested or if the director determines that there is probable cause for revocation of the certificate of registration after the preliminary hearing, the director shall issue an order requiring the telephone and its appurtenances to be removed within seven days after the order is issued pending a final determination. Telephones that are not timely removed may be removed by a representative of the City of Chicago. The owner of a telephone for which a determination of probable cause for revocation of a certification of registration has been issued may contest such determination timely removing the telephone and its appurtences and by filing with the director of revenue a request for a final hearing within 14 days after removal in accordance with rules promulgated with the director. Prior to the exercise of exclusive jurisdiction by the department of administrative hearings in accordance with Section 2-14-190(c) of this Code, if, after a final hearing, the director of revenue determines that it is not in the public interest for the telephone to be located on the private property, or that the telephone has a deleterious impact on the surrounding neighborhood the director shall revoke the certification of registration for that telephone. After the exercise of exclusive jurisdiction by the department of administrative hearings in accordance with Section 2-14-190(c) of this Code, upon receipt of a request for a hearing, the director of revenue shall institute an action with the department of administrative hearings which shall appoint an administrative law officer who shall conduct the hearing and determine whether the certification of registration shall be revoked. Notwithstanding the exercise of exclusive jurisdiction by the department of administrative hearings, if no timely request for a final hearing is made the director of revenue shall revoke the certification of registration for that telephone. No certificate of registration may be issued for a telephone at a zoning lot with respect to which previous certificate has been revoked for a period of one year after revocation. At the preliminary and the final hearing, the formal or technical rules of evidence shall not apply. Evidence, including hearsay, may be admitted only if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The director may establish and impose a fee for preliminary and final hearings conducted under this section. The total amount of the fees may not exceed an amount sufficient for the city to recover its costs directly related to the preliminary or final hearings.

(e) Outdoor pay telephones not lawfully installed or maintained pursuant to this Code are hereby declared to be public nuisances subject to summary abatement upon due notice. A representative of the City of Chicago may enter upon any private property within the City of Chicago that he or she has reason to believe contains an outdoor pay telephone in violation of this section, and may place upon the telephone a notice that the telephone must be removed within seven days. Such notice shall also provide that if the telephone is not removed within seven days, a representative of the City of Chicago may remove the telephone and charge the costs of removal jointly and severally to its owner, operator, and the person who owns or controls the real property on which the pay telephone is located. If such telephone has not been removed within seven days, a representative of the City of Chicago may remove the telephone.

(f) If the costs to the City of Chicago of removing telephones and their appurtenances pursuant to this section are not paid within 30 days, the telephone shall be deemed abandoned and may be sold or destroyed. The costs of removing outdoor pay telephones shall be a debt to the City of Chicago jointly and severally owed by the telephone's owner and operator, and any person who owns or controls the real property on which the telephone was located.

(Added Coun. J. 10-5-94, p. 57792; Amend Coun. J. 7-10-96, p. 24983; Amend Coun. J. 11-12-97, p. 56814; Amend Coun. J. 4-29-98, p. 66565)

8-4-055 Sound-emitting devices on public conveyances.

It is unlawful for any person to make use of any portable entertainment appliance, radio, used exclusively for entertainment, or musical instrument (and other sound-emitting devices), which are audible to others, in any streetcar, elevated train or subway and in any other public conveyance having a capacity of more than seven passengers operating within the city limits of the City of Chicago. Any person violating this section shall be fined not less than $50.00 nor more than $300.00 for each offense.

(Prior code § 193-7.11)

8-4-058 Reserved.

Editor's note: Amend Coun. J. 2-16-00, p. 25583, § 1 repealed § 8-4-058, which pertained to electronic paging devices on school property. See the Code Comparative Table.

8-4-059 Possession of scanners illegal.

(a) Whenever used in this section, the word "scanner" means a radio set or apparatus (1) capable of receiving, transmitting, or both receiving and transmitting radio messages or signals within the wavelength or channel now or hereafter assigned by the Federal Communications Commission or its successor for use by law enforcement agencies; or (2) that may intercept or interfere with the transmission or reception of radio messages or signals by the department of police.

(b) No person shall use a scanner in such a way as to interfere with messages transmitted or received by the department of police. No person shall use a scanner to aid or abet the performance of any act in violation of any law or ordinance. The use of a scanner to aid or abet any illegal act shall be an offense separate and distinct from such illegal act.

(c) Any person who violates this section shall be subject to a fine of not less than $200.00 and not more than $500.00.

(Added Coun. J. 7-14-93, p. 35538)

8-4-060 Vandalism defined.

A person commits vandalism when he engages in the wilful or malicious destruction, injury, disfigurement or defacement of any public or private property. This offense includes, but is not limited to, cutting, tearing, breaking, marking, drawing or painting when these actions are intended to or have the effect of causing damage to property.

Any person who violates the provisions of this section, upon conviction thereof shall be punished by a fine of $500.00 plus the actual costs incurred by the property owner or the city to abate, remediate, repair or remove the effects of the vandalism. To the extent permitted by law, the cost shall be payable to the person who incurred them. In addition to such fine and costs, any such offense may also be punished as a misdemeanor by incarceration in a penal institution other than a penitentiary for a term of up to 30 days or by a requirement to perform up to 1,500 hours of community service under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended, and in the Illinois Code of Criminal Procedure of 1963, as amended, in a separate proceeding. All actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended.

(Prior code § 193-1.5; Amend Coun. J. 10-6-86, p. 34526; Amend Coun. J. 5-16-90, p. 15806; Amend Coun. J. 6-12-91, p. 1718; Amend Coun. J. 5-19-93, p. 32392; Amend Coun. J. 5-20-98, p. 69306)

8-4-061 Disposition of certain fines.

In all instances in which the fine set forth in Section 8-4060 of the code is imposed by the city's department of administrative hearings for destruction, injury, disfigurement or other defacement of Chicago Transit Authority property, one-half of any such fine imposed and collected shall be made available to the Chicago Transit Authority for use in removing graffiti and other defacement of Chicago Transit Authority property.

(Amend Coun. J. 7-29-98, p. 74139)

8-4-065 Interference with utility equipment.

(a) When used in this section, "utility equipment" means any of the following located in a public way: (1) any lid, grate, screen or cover that allows access to any sewer, drain, electrical vault, coal hole, water vault, gas vault, tunnel or other opening or structure in the public way, or that allows the flow of water from the public way into a drain or sewer; (2) any light pole, lamp post, telephone or telegraph pole, or post or pole supporting electrical transformers or lines for transmission of electricity or cable television signals. "Utility equipment" may be either privately or publicly owned.

(b) No person shall:

(1) Intentionally and without authorization of the owner, remove utility equipment or damage or alter utility equipment so as to diminish its effectiveness or to create a public safety hazard;

(2) Without authorization of the actual owner, purchase, receive or possess illegally removed utility equipment. It is a defense to a prosecution under this subsection (b)(2) that the person charged with a violation did not know that the subject utility equipment was illegally removed;

(3) Assist any other person in any action prohibited in subsection (b)(1) or (b)(2) of this section.

(c) Any person who violates any provision of subsection (b) of this section shall, upon conviction, be punished by a fine of not less than $1,000.00. Any such offense may also be punished as a misdemeanor by incarceration in a penal institution other than a penitentiary for a term of up to six months or by a requirement to perform up to 1,000 hours of community service under the

procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended, and in the Illinois Code of Criminal Procedure, as amended, in a separate proceeding. All actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended.

(Added Coun. J. 4-22-93, p. 31576; Amend Coun .J. 4-12-00, p. 29744, § 1)

8-4-070 Restitution--Financial responsibility.

In lieu of or in addition to a fine or incarceration or community service, any person found guilty of violating Section 8-4-060 or Section 8-4-065, or any parent or legal guardian of any unemancipated minor residing with such parent or legal guardian found guilty of such violation, may be required to submit full restitution to the victim or victims of such vandalism by monetary payment or property repairs.

In the case of an unemancipated minor accused of violating Section 8-4-060 or 8-04-065 and residing with a parent or legal guardian at the time of such violation, the department of police shall within three days notify such parent or legal guardian in writing, either by certified or registered mail, return receipt requested, that said minor has been accused of vandalism, and that said parent or legal guardian may be held financially responsible for any fines or restitution resulting from such vandalism.

(Prior code § 193-1.6; Amend Coun. J. 5-16-90, p. 15806; Amend Coun. J. 4-22-93, p. 31576)

8-4-075 Threatening a community policing volunteer.

(a) It shall be unlawful to knowingly deliver or convey to a community policing volunteer, in person, by mail, by telephone or in any other manner, a threat to inflict bodily harm upon the community policing volunteer or a member of his or her immediate family (1) with the intent to cause the community policing volunteer to perform or omit the performance of any act as a community policing volunteer; or (2) in retaliation for the community policing volunteer performing or omitting any act as a community policing volunteer.

(b) For purposes of this section, "community policing volunteer" mean a person performing any work or duties that are prescribed by, guided by, or directed by members of the Chicago Police Department as part of Chicago's Alternative Policing Strategy (C.A.P.S.).

(c) Any person who violates this section shall be fined $200.00 and incarcerated up to 30 days for a first offense; fined $400.00 and incarcerated up to 90 days for a second offense; and fined $500.00 and incarcerated up to six months for a third or subsequent offense. Any person violating this provision shall also be required to perform 200 hours of community service. If supervision or probation is imposed, service of the aforementioned community service shall be a condition of supervision or probation.

(Amend Coun. J. 4-1-98, p. 65277)

8-4-080 Definitions--Assault defined--Mandatory sentence.

(1) Definitions. The following definitions are applicable strictly in the context of this ordinance:

(A) "Elderly" refers to any person 60 years of age or older.

(B) "Developmentally disabled" means as defined in Illinois Revised Statutes Chapter 91-1/2, Section 1-106.

(C) "Handicapped" means as defined in Illinois Revised Statutes Chapter 68, Section 1-103(l).

(D) "Battery" means as defined in Illinois Revised Statutes Chapter 38-12-3.

(2) There is hereby created the offense of assault against the elderly, developmentally disabled, or handicapped. A person commits assault against the elderly, developmentally disabled, or handicapped when he engages in conduct which places a person as defined above in reasonable apprehension of receiving a battery. Upon conviction of this offense, a mandatory sentence of imprisonment shall be imposed, not to be less than 90 days nor more than 180 days.

(Prior code § 193-1.7; Added Coun. J. 4-13-84, p. 6076)

8-4-081 Urinating or defecating on the public way; misdemeanor; fine; etc.

Any person who urinates or defecates on the public way, or on any outdoor public property, or on any outdoor private property, shall be guilty of a misdemeanor and shall be fined not less than $100.00 nor more than $500.00, or incarcerated for no less than five days and no more than ten days, or both fined and incarcerated. This ordinance shall not apply to use of a temporary or permanent structure or enclosure erected outdoors for use as a toilet facility.

(Added Coun. J. 7-31-02, p. 91449, § 1)

8-4-085 Hate crimes.

(a) No person shall, by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the actual or perceived race, color, sex, religion, national origin, age, ancestry, sexual orientation or mental or physical disability of another individual or group of individuals:

(1) Commit assault as defined in Section 12-1 of the Illinois Criminal Code of 1961 (Illinois Revised Statutes Chapter 38, paragraph 12-1); or

(2) Deface, mar, injure, destroy or remove property in violation of Section 8-4-040 of this Code; or

(3) Commit trespass as defined in Section 8-4-050 of this Code; or

(4) Commit vandalism as defined in Section 8-4-060 of this Code; or

(5) Disturb a place of worship in violation of Section 8-4-110 of this Code; or

(6) Engage in harassment by telephone as defined in Section 1-1 of "An Act to prohibit the use of telephone and telegraph lines for the sending of certain messages" (Illinois Revised Statutes Chapter 134, paragraph 16-4.1).

(b) Any person who violates this section shall be subject to a fine of $500.00 or may be imprisoned for not more than six months, or may be subject to both such fine and imprisonment. In addition to such penalty, any person found guilty of violating this section may be ordered to pay restitution to the aggrieved party, and may be ordered to perform community service pursuant to Section 1-4-120 of this Code.

(c) Notwithstanding any other provision of this section, any conduct in violation of this section that is punishable under state or federal law by a term of imprisonment in excess of six months shall not be prosecuted under this section.

(d) As used in this section, "sexual orientation" means heterosexuality, homosexuality or bisexuality.

(Added Coun. J. 12-19-90, p. 27888)

8-4-086 Prohibition against racial profiling.

No member of the Chicago Police Department or peace officer or security personnel (as those terms are defined in the Municipal Code of Chicago, Chapter 8-20-030) employed or engaged in their duties within the corporate boundaries of the City of Chicago shall use actual or perceived race, ethnicity, gender, religion, disability, sexual orientation, marital status, parental status, military discharge status, financial status or lawful source of income as the sole factor in determining the existence of probable cause to stop, question, place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

(Added Coun. J. 6-6-01, p. 60144, § 1)

8-4-090 Drug and gang houses, houses of prostitution and other disorderly houses.

(a) Any premises used for prostitution, illegal gambling, illegal possession or delivery of or trafficking in controlled substances, or any other activity that constitutes a felony, misdemeanor, business offense or petty offense under federal, state or municipal law is hereby declared to be a public nuisance; provided that no public nuisance or violation of this section shall be deemed to exist unless (i) the property is used for two or more such offenses within any six-month period, or (ii) the offense for which the property is used is punishable by imprisonment for one year or more.
(b) Any person who owns, manages or controls any premises and who (i) encourages or permits an illegal activity described in subsection (a) to occur or continue on such premises; or (ii) fails to implement reasonable and warranted abatement measures identified in the notice issued by the commissioner of buildings, the superintendent of police or other authorized representative of the city, pursuant to subsection (d), or subsequently agreed to, or other abatement measures which successfully abate the nuisance within the 30-day period following the notice, or within any other agreed upon period, shall be subject to a fine of not less than $200.00 and not more than $500.00 for each offense. Each day that a violation of this section continues shall be considered a separate and distinct offense. No person shall be found in violation of (b)(ii) of this section unless the city proves by a preponderance of the evidence that the abatement measures were reasonable and warranted, and that the defendant knowingly failed to implement them. A person may be found in violation of (b)(i) or (b)(ii) of this section regardless of whether an order of abatement is issued under subsection (c) or in violation of (b)(i) regardless of whether a notice has been given under subsection (d). A fine in accordance with this subsection may be assessed in a court of competent jurisdiction or in the buildings hearings division of the department of administrative hearings.

(c) The building commissioner or other authorized representative of the city may bring an action to abate a public nuisance described by this section in a court of competent jurisdiction or in the buildings hearings division of the department of administrative hearings. An order of abatement shall be issued whenever a person who owns, manages or controls any premises violates subsection (b). The order of abatement shall require the taking of reasonable measures designed to prevent the recurrence of the illegal activity described in subsection (a) in light of the magnitude of the harm caused by the nuisance, the value of the property, and the extent to which the defendant has failed to take effective measures to abate the nuisance. Those measures may include, but are not limited to, making improvements to real estate and installing lighting to enhance security, the hiring of licensed and insured security personnel, the hiring of a receiver, the initiation and execution of eviction proceedings against tenants engaged in illegal activity, or, at the request of the corporation counsel, the assignment or forfeiture to the city of all of the defendant's rights, title and interest in the real estate when the defendant has failed to abate a nuisance following an order issued pursuant to this paragraph, or has failed to abate a nuisance within 30 days of a notice issued pursuant to paragraph (b) of this section, and: (i) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 (720 ILCS 5/2-8) is committed on the premises, or (ii) two or more violations of the Illinois Controlled Substances Act or the Cannabis Control Act occur on the property on separate days within a one year period. In no event shall any interest of any person or entity not an owner of real estate as defined in Section 13-4-010 of this Code be forfeited. The order of abatement may also authorize the issuance of ex parte administrative search warrants reasonably calculated to determine whether the nuisance has been abated or whether the order of the court or hearing officer has been obeyed. Any person who fails to comply with an order of abatement issued under this section by an administrative law officer of the department of administrative hearings shall be subject to the penalties set forth in Section 2-14-100 of this Code.

(d) Whenever the commissioner of buildings, the superintendent of police or other authorized representative of the city reasonably believes that any premises constitutes a public nuisance as described in this section, he or she may give written notice to the person who owns or controls the premises stating that a nuisance

exists and identifying reasonable abatement measures that must be taken within 30 days of the notice. The notice shall be in writing and may be served in person or sent by certified mail, return receipt requested. The notice shall provide the recipient a reasonable opportunity to meet with a representative of the city to discuss allegations in the notice and the need for abatement measures. Upon the failure to implement the abatement measures identified in the notice, or subsequently agreed to, or other abatement measures which successfully abate the nuisance within the 30-day period following the notice, or within any other agreed upon period, the issuer of the notice may issue a citation against the person who owns, controls or manages the premises for a violation of subsection (b)(ii).

(e) For purposes of this section, "premises" includes any parcel of property and the building or structure, if any, which is situated on the property, and any portion of the public way that abuts the parcel of property when it is used in conjunction with the abutting property for the commission of illegal activity.
(f) Any property assigned or forfeited to the city under this section may be disposed of as authorized by the city council.

(Added Coun. J. 12-9-92, p. 25986; Amend Coun. J. 7-10-96, p. 25409; Amend Coun. J. 4-29-98, p. 66565; Amend Coun. J. 8-30-00, p. 40306, § 1)

8-4-091 Prohibited manner of managing or controlling real estate.

It shall be a violation of this section when any person who, when having management authority over or control of residential real estate, whether as a legal or equitable owner or as a managing agent or otherwise, recklessly permits the physical condition or facilities of the residential real estate to become or remain in any condition which endangers the health or safety of any person. Such conduct shall include, but not be limited to, (a) recklessly allowing property to be improperly secured, resulting in the commission of a crime against a resident of the property or against any other person, (b) recklessly allowing property to collapse or partially collapse, resulting in injury to a person inside or outside of a building, (c) recklessly allowing property to remain in violation of applicable building code, fire code, or other applicable code provisions, (d) recklessly failing to respond to reasonable requests by the city to repair a property that is in violation of an applicable provision of the Municipal Code, or (e) recklessly endangering the health and safety of any person by illegally altering or modifying a structure to increase the number of dwelling units or living spaces within the structure, or by allowing any such alteration or modification to continue or to be used. Any person found to have violated this section shall be: (a) subject to a fine of not less than $500.00 for each offense, (b) incarcerated for not more than 180 days, and/or (c) ordered to perform community service for a period not to exceed 200 hours. A separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.

This section shall not apply to any freestanding, owner-occupied single-family home or to any owner-occupied townhouse; provided, however, that this exception shall not apply to a single-family home, or to a townhouse, which is rented, or to any structure that is altered or modified in violation of Title 17, Section 11.13-1 (17-44-565) of the Municipal Code. For purposes of this section a townhouse shall refer to: one of a row of houses connected by common side walls.

(Added Coun. J. 2-8-95, p. 65368; Amend Coun. J. 2-7-96, p. 15460)

8-4-100 Reserved.

Editor's note: Amend Coun. J. 10-3-01, p. 68139, § 4 repealed § 8-4-100, which pertained to vagrancy. See the Code Comparative Table.

8-4-110 Disturbing places of worship.

Any person who shall disquiet or disturb any congregation or assembly met for religious worship by making a noise, or by rude and indecent behavior or profane discourse within the place of worship, or so near to the same as to disturb the order and solemnity of the meeting, shall be fined not exceeding $50.00 for each offense.

(Prior code § 193-4)

8-4-120 Damage to public property.

No person shall cut, injure, mark, damage or deface any public building, sewer, water pipe, hydrant, or other city property, fixture or personal property, or any tree, grass, shrub, or walk in any public way or public park.

Any person violating any provision of this section shall be fined not less than $200.00 nor more than $500.00 for each offense.

(Prior code § 193-5; Amend Coun. J. 7-29-98, p. 75097)

8-4-125 Use of cell phones/cameras/camera phones in public privacy areas.

No person shall use a camera/cell phone or other device capable of preserving and/or transmitting an image in any public "privacy area". For purposes of this section, "privacy area" shall be defined as rooms in structures, or other areas whether or not enclosed, designated for the administration of examinations, clinics, hospitals and areas where a person should reasonably expect to have privacy, including but not limited to showers, locker rooms/changing rooms, bathrooms, lactation rooms, automatic teller machine areas, and cashier lines. Possession of said devices in these areas is lawful if the image preserving and/or transmitting portion of the device is not operational.

Videotaping, photographing and filming by law enforcement officers pursuant to a lawful criminal investigation is exempt from this section.

Any person violating any provision of this section shall be fined not less than $5.00 nor more than $500.00 for each offense.

(Added Coun. J. 3-10-04, p. 19865, § 1; Amend Coun. J. 3-31-04, p. 21244, § 1)

8-4-130 Possession of paint or marker with intent to deface unlawful.

(a) It shall be unlawful for any person to possess a spray paint container, liquid paint or 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, on the property of another or in any public building or upon any public facility. It shall be a defense to an action for violation of this subsection that the owner, manager or other person having control of the property, building or facility consented to the presence of the paint or marker.

(b) It shall be unlawful for any person to possess a spray paint container, liquid paint or 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, or any etching equipment or etching materials, on the public way with intent to use the same to deface any building, structure or property.

(c) It shall be unlawful for any person to transport, carry, possess or have any spray paint container, liquid paint or any marker containing a fluid which is not water soluble and has a paint, brush, applicator or other writing surface of three-eights of an inch or greater, or any etching equipment or etching materials, in or upon or about any motor vehicle with intent to use the same to deface any building, structure or property.

(d) For purposes of this section, "etching equipment" and "etching materials" include any tool, device, equipment or substance that can be used to make permanent marks on metal, glass, plastic, concrete or stone.

(e) Any person who violates any provision of this section shall be subject to a fine of not less than $500.00 for each offense.

(f) A motor vehicle that is used in the violation of subsection (c) of this section shall be subject to seizure and impoundment under this subsection (f). The owner of record of such vehicle shall be liable to the city for an administrative penalty of $500.00 in addition to fees for towing and strange of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

(Prior code § 193-5.1; Added Coun. J. 2-11-87, p. 39504; Amend Coun. J. 5-20-92, p. 17016; Amend Coun. J. 2-10-93, p. 28505; Amend Coun. 7-21-99, p. 9095)

8-4-135 Defacement of commercial vehicles.

(a) It shall be unlawful for any person to own or operate a defaced commercial vehicle in the City of Chicago, subject to the exceptions provided in this section. The commissioner of streets and sanitation or his designee is authorized to take action necessary for effective enforcement of this section, including the issuance of citations.
(b) Any person who owns or operates a defaced commercial vehicle in the City of Chicago, when such defacement is not placed upon such vehicle by the owner, lessee, or person lawfully in possession of the vehicle, or a person acting with the consent of the owner, lessee or person lawfully in possession, shall be fined not less than $100.00 nor more than $500.00 for each offense.

Each day that a violation continues shall be considered a separate and distinct offense.

(c) For purposes of this section, "commercial vehicle" shall refer to:

(1) a motor vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise and includes, but is not limited to, tow trucks, semi-trailers and trailers; and

(2) a railroad car or railroad container car that remains in the City of Chicago for a continuous five-day period or longer;

"defacement" or "defaced" shall refer to any marking or drawing on a commercial vehicle but does not refer to:

(1) Any sign, marking, drawing or communication relating to the business that owns or operates the vehicle which is placed on the vehicle with the consent of the person or commercial or industrial enterprise that owns or operates the vehicle;

(2) Any marking that was placed upon the vehicle in the manufacturing process or as part of any repair or re-painting of the vehicle;

(3) Any form of business identification;

(4) Any sign or symbol relating to safety;

(5) Any sign, symbol or marking required by federal, state or local law or regulation;

(6) Any sign or symbol relating to hazardous materials or waste;

(7) Any sticker or sign affixed by the seller or dealer of a commercial vehicle; or

(8) Any marking or drawing, placed upon a vehicle by the owner of the vehicle or a person acting with the consent of the owner.

(d) It is a rebuttable presumption under this section that any defacement placed on a commercial vehicle that is not referred to in those exceptions set forth in subsections (1) through (7) above was placed on the vehicle by a person other than the owner or operator of the vehicle.

(Added Coun. J. 12-1-93, p. 43378; Amend Coun. J. 2-16-00, p. 25795, § 1)

8-4-140 Injuring or obstructing signal systems.

No person, unless duly authorized, shall open any signal box, unless it be to give an alarm of fire or to communicate with the police on necessary business, nor break, cut, injure, deface, derange, or in any manner meddle or interfere with any signal box or the fire-alarm or police telegraph wires, or with any municipal electric wires, poles, conduits, or apparatus. Any person violating any of the foregoing provisions of this section shall be fined not less than $25.00 nor more than $50.00 for each offense.

Any person who shall scratch, stencil, or post placards or bills on any of the poles used for wires of the police and fire alarm telegraph, or in any other manner deface or injure the same, shall be fined not less than $5.00 nor more than $20.00 for each offense.

(Prior code § 193-6)

8-4-145 False alarms.

Whoever, without reasonable cause, either:

(i) by outcry or otherwise, makes or circulates, or causes to be made or circulated, any false alarm of fire, or

(ii) calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows that the call or transmission could result in the emergency response of any city department or agency.
shall be fined not less than $500.00 nor more than $1,000.00 for each offense.

(Prior code § 193-7; Amend Coun. J. 12-15-04, p. 40218, § 1)

8-4-150 Use of sirens for air raid alarms only.

For the duration of any war in which the United States is engaged no person, including without limiting the generality of the word "person" all persons upon an authorized emergency vehicle, shall sound a siren for any purpose. For the purposes of this section, the term "siren" shall not include a foghorn when used for the protection of navigation in and about the Chicago Harbor.

This section shall not apply to any person officially designated by the mayor to sound a siren as an air raid alarm.

Any person violating the provisions of this section shall be fined not less than $100.00 nor more than $200.00 for each offense.

(Prior code § 193-6.1)

8-4-160 Reserved.

Editor's note: Coun. J. 3-31-04, p. 20916, § 1.1, repealed § 8-4-160, which pertained tobonfires. See also the Code Comparative Table.

8-4-170 Reserved.

Editor's note: Amend Coun. J. 10-3-01, p. 68139, § 4 repealed § 8-4-170, which pertained to masking in public. See the Code Comparative Table.

8-4-180 Possessing burglar's tools.

A person possesses burglary tools when he possesses any tool, key, instrument, device, or any explosive suitable for use in breaking into any building, housetrailer, watercraft, aircraft, vehicle, railroad car, or any depository designed for the safekeeping of property, or any part thereof, with intent to enter any such place and with intent to commit therein a felony or theft.

A person convicted of the possession of burglary tools shall be fined not less than $25.00 nor more than $500.00.

(Prior code § 193-10)

8-4-190 Throwing objects on athletic fields.

No person shall throw, drop, or place upon any baseball park, athletic field, or other place where games are played any bottle or other glass receptacle or any broken bottle or other broken instrument or thing. Any person violating any of the provisions of this section shall be fined not less than $25.00 nor more than $200.00 for each offense.

(Prior code § 193-12)

8-4-195 Illegal conduct within sports facilities.

(a) For purposes of this section:

"Sports facility" means any enclosed or partially enclosed stadium used for sporting events or athletic contests or both and having a seating capacity in excess of 3,000 persons.

"Restricted area" includes: the playing field, court, playing surface, swimming pool and any other portion of a sports facility used for sporting events or athletic contests; a locker room, a warm-up area, a team assembly area, a team bench area and any other portion of a sports facility closed by the facility operator to spectators or patrons.

(b) No person shall enter or remain in or on any restricted area of a sports facility except with the express permission of the facility's operator. Any person who violates this subsection (b) shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of $1,000 and incarceration for a period not less than 30 days and not more than six months.

(c) Within the portion of a sports facility where patrons and spectators are permitted, no person shall intentionally or knowingly, and without legal justification

(1) cause bodily harm to an individual or

(2) make physical contact of an insulting or provoking nature with an individual.

Any person who violates this subsection (c) shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to $1,000.00 and/or incarceration for a period not to exceed six months.

(d) Actions under this section shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

(Added Coun. J. 6-4-03, p. 2466, § 1)

8-4-200 Objects on sills or railings.

It shall not be lawful for any person to place or keep on any window-sill, railing, or balcony, top of porch, or any other projection from any house or other building in the city, any flower pot, wooden box, bowl, pitcher, or other article or thing unless the same is securely and firmly fastened or protected so as to render it impossible for any such pot, bowl, pitcher or other article to fall into the public way. Any person violating this section shall be fined not more than $50.00 for each offense.

(Prior code § 193-13)

8-4-210 Spikes in railings and fences.

No owner, lessee, or person in possession of any building in this city shall erect, maintain, or permit to be erected or maintained on or about the stairway in, or the entrance to, such building, or on or about its exterior building line, or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard, or protection of any kind, upon which there shall be affixed or in any manner attached so as to protrude therefrom any spike, nail, or other pointed instrument of any kind or description, unless such protrusion shall be an integral part of the fencing located entirely on private property; and unless any such protrusion, projecting vertically upward, shall be at least six feet in height above the ground; and unless any such protrusion, projecting vertically downward, shall be not more than six inches from the ground. Any person violating any of the provisions of this section shall be fined not less than $25.00 nor more than $50.00 for each offense; and each day any such person shall fail or neglect to remove from such railing, fence, or other protection, any such spike, nail, or other pointed instrument after notice in writing from the commissioner of buildings so to do, shall constitute a separate and distinct offense.

(Prior code § 193-14)

8-4-220 Clay holes and excavations.

The owner, lessee or person in possession of any real estate within the city upon which are located or situated any clay holes or other similar excavations is hereby required to cause such clay holes or other excavations to be enclosed with wooden or wire fences, of not less than six feet in height. When such fences are of wire only smooth or nonbarbed wire shall be used below a height of six feet above the established grade or above the ground where no grade has been established, and such fence or fences shall consist of not less than eight rows of wire, and such rows of wire shall not be more than nine inches apart.

(Prior code § 193-15)

8-4-230 Use of flag--Misdemeanor.

Any person who

(a) for exhibition or display, places or causes to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States, or any foreign flag of any nation or ensign, or state flag of this state or ensign, or city flag of this city or ensign,

(b) exposes or causes to be exposed to public view any such flag, standard, color or ensign, upon which has been printed, painted or otherwise placed, or to which has been attached, appended, affixed, or annexed, any word, figure, mark, picture, design or drawing or any advertisement of any nature,

(c) exposes to public view, manufactures, sells, exposes for sale, gives away, or has in possession for sale or to give away or for use for any purpose, any article of substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise upon which has been printed, painted, attached, or otherwise placed a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed, or

(d) shall knowingly mutilate, deface, defile or defy, trample or cast contempt upon by offensive touching or laying upon the ground or floor, any such flag, standard, color or ensign shall be guilty of a misdemeanor and subject to imprisonment not to exceed six months and a fine not to exceed $250.00 for each offense.

(Prior code § 193-16; Added Coun. J. 3-16-89, p. 25723)

8-4-240 Ragpicking--Peddling--Junk collection.

No person shall engage in the occupation of ragpicking, the peddling of any article or thing, or the purchasing or collection of junk by handcart, automobile or other vehicle in any public alley between the hours of 9:00 p.m. and 7:00 a.m., except in the area bounded on the north by the Chicago River, on the south by East and West Roosevelt Road, on the east by Lake Michigan and on the west by the Chicago River; provided no ragpicking shall be permitted at any time of the day or night on Sundays or legal holidays. Any person violating this section shall be fined not less than $5.00 nor more than $50.00 for each offense.

(Prior code § 193-17; Amend Coun. J. 10-7-98, p. 78812)

8-4-250 Trespassing on property.

No person shall enter into or upon any lot, block, or tract of ground in the city which is under cultivation, unless such person be an owner, lessee, or person entitled so to enter, or the duly authorized agent thereof, and any person found by the police in and upon any such premises shall be treated as a trespasser unless he can produce satisfactory evidence of ownership or right to be in and upon any such premises.

Any person who shall violate the provisions of this section shall be fined not less than $50.00 nor more than $100.00 for each offense.

(Prior code § 193-18; Amend Coun. J. 12-4-02, p. 99931, § 5.2)

8-4-260 Trespassing on elevated track.

Whenever any track of any railroad in the city has been or may hereafter be elevated in accordance with the ordinances of the city, no person shall wilfully trespass upon said elevated roadway or track, nor shall anyone aid, abet, or assist therein; provided, however, that the employees of such railroad, acting in the discharge of their duties, may enter or be upon, or walk along or cross such elevated tracks or roadway at any place.

(Prior code § 193-19)

8-4-270 Advertising and signs on buildings.

No person shall post, stick, stamp, tack, paint, or otherwise fix, or cause the same to be done by another person, any notice, placard, bill, handbill, sign, poster, card advertisement, or other device calculated to attract the attention of the public, upon any building or part thereof, wall or part thereof, or window, without first obtaining the written consent of the owner, agent, lessee, or occupant of such premises or structure; provided, however, that no person shall paste, post, or fasten any handbill, poster, advertisement, or notice of any kind, or cause the same to be done, which exceeds 12 square feet in area without first obtaining a permit to do so from the executive director of the department of construction and permits in accordance with the provisions of this Code relating to billboards and signboards; and provided, further, that this section shall not apply to advertising matter upon billboards owned or controlled by private individuals.

(Prior code § 193-20; Amend Coun. J. 3-5-03, p. 104990, § 9)

8-4-280 Removing sod or earth.

No person shall dig, cut, or remove any sod or earth from any public way within the city without a permit from the commissioner of transportation, or from any other public place within the city without a permit from the commissioner of general services, or from any premises not his own without the consent of the owner, under a penalty of not less than $50.00 for each offense.

(Prior code § 193-21; Amend Coun. J. 12-11-91, p. 10832)

8-4-290 Removal of sod along public way.

No person shall dig, cut or remove any sod or earth from any property adjoining or contiguous to a public way in such a manner as to leave said property in an unsafe or unsanitary condition or in such condition as will constitute a public nuisance.

(Prior code § 193-21.1)

8-4-300 Reserved.

Editor's note: Amend Coun. J. 10-3-01, p. 68139, § 4 repealed § 8-4-300, which pertained to fraud through spiritualism. See the Code Comparative Table.

8-4-310 Forging signatures.

Whenever it may be necessary, in order to procure a license, permit, grant, or privilege of any kind or to obtain a referendum vote on any proposition, to secure signatures to a petition for the same under the provisions of this Code or under any law or ordinance affecting the whole or any part of the city, it shall be unlawful for any person, individually, or any firm or corporation by its members, officers or agents, to forge the signature or procure the forging of the signature to the same of any person who is by law qualified to sign such petition, or to sign or procure the signing of a fictitious name to such petition, or to procure the signature to the same of the person qualified to sign such petition by payment of money or other valuable thing to the person so signing.

Any person that shall violate the provisions of this section by forging a signature, signing a fictitious name, or purchasing a signature, or by procuring the doing of same, shall be fined not less than $5.00 nor more than $200.00 dollars for each offense, and the signing or procuring of each false or fraudulent name to such petition shall be regarded as a distinct and separate offense.

(Prior code § 193-23)

8-4-315 Fraud relating to official documents.

(a) For purposes of this section, "official documents" refers to any document produced by a government agency, including but not limited to a driver's license, identification card or paper, or certificate relating to a foreign citizen's resident status, such as visa, entry, citizenship and resident alien documents. A person commits fraud relating to official documents when he:

(i) misrepresents to any person that a document is official or that a document has been produced by, produced on behalf of, or authorized by the I.N.S. or any other government agency, when the document in fact has not been produced by a government agency; or

(ii) misrepresents to any person that he is legally authorized or otherwise qualified to obtain or dispense official documents; or

(iii) makes any false or misleading statement regarding any person's eligibility to obtain permanent resident status in the United States.

(b) Any person who violates subsection (a) of this section shall be subject to a fine of not less than $500.00 nor more than $1,500.00, plus the actual costs incurred by the victim that can be directly

attributed to the fraud. To the extent permitted by law, the cost shall be payable to the person who incurred them.

(c) In addition to the penalties specified in subsection (b) of this section, violators of this section are subject to all applicable enforcement provisions in Title 4 of the Municipal Code, and the rules and regulations promulgated thereunder; and to orders of injunctive relief entered by a court or administrative agency of competent jurisdiction.

(Amend Coun. J. 7-29-98, p. 75084)

8-4-320 Deceptive advertising.

No person shall, with intent to sell or in anywise dispose of merchandise, securities, service, or anything offered directly or indirectly to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or any interest therein, make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this city, in any newspaper or other publication sold or offered for sale upon any public way, or other public place, or on any sign upon any public way or other public place, or in any handbill or advertisement posted upon any public way or public place, or on any placard, advertisement, or handbill exhibited or carried in any public way or public place, or on any banner or sign flying across the public way or from any house, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation, or statement which is untrue, deceptive, or misleading. Any person violating any provision of this section shall be fined not less than $25.00 nor more than $200.00 for each offense.

(Prior code § 193-24)

8-4-321 International wire transfers--Posting of notice required.

A person engaged in the business of transmitting money by wire to a location outside the United States of America shall post a sign in a conspicuous location on the premises where such transactions occur. The sign shall be in English, Spanish and Polish, in capital letters of no less than 18 point type, and shall state as follows:
In Addition To The Fees Applicable To This Transaction, A Currency Conversion Rate Will Be Applied To This Transaction If This Transaction Is Paid Out In A Currency Other Than United States Dollars. This Currency Rate Constantly Changes. Please Ask The Clerk For Information Concerning Fees And The Currency Exchange Rate Applicable To This Transaction.

Any person who violates this section shall be subject to a fine of not less than $100.00 and not more than $500.00, for each offense, or incarceration of not less than ten days and not more than 30 days for each offense, or both a fine and incarceration. Each day that a violation continues shall constitute a separate and distinct offense. Nothing in this section shall apply to a bank or trust company that is organized under state, federal or foreign law or to any affiliate thereof.

(Amend Coun. J. 5-20-98, p. 68168)

8-4-325 Deceptive practices--Residential real estate.

(a) No person shall engage in any act of consumer fraud or unfair method of competition or deceptive practice in connection with any contract which may result in the foreclosure on any residential real estate that is situated within the city. Nothing in this section shall be construed as permitting the regulation of any business to the extent that such regulation is not permitted under the statutory or home rule powers of the city.

(b) The commissioner of consumer services shall be charged with the enforcement of this section, and may institute an action in the department of administrative hearings to determine liability and seek remedies provided in this section.

(c) Any person who violates this section shall be subject to a fine of not less than $500.00 and not more than $10,000.00, and may be ordered to pay restitution and may be subject to other equitable relief.

(Amend Coun. J. 8-30-00, p. 39074, § 4)

8-4-330 Recruitment restrictions.

No person shall force, threaten to use force, intimidate or coerce another to join any group, club or organization. This section shall not apply to persons engaged in lawful concerted activities governed and protected by the federal statute commonly known as the "National Labor Relations Act."

Any person violating any of the provisions of this section shall be fined not less than $500.00 for each offense or shall be punished by imprisonment for a period of not more than six months or both.

(Prior code § 193-26)

8-4-340 Charitable entertainments--Restriction on promotional materials.

No person shall use any ticket, poster, placard, badge, or other advertisement in the promotion of any dance, bazaar, picnic, game, theater, or other entertainment or performance purporting to be given for charitable purposes unless the names of the persons or organizations intended to be benefited by the receipts from such entertainment or performance are stated on such ticket, poster, placard, badge, or other advertisement.

Any person violating any of the provisions of this section shall be fined not less than $10.00 nor more than $200.00 for each offense.

(Prior code § 193-27)

8-4-350 Reserved.

Editor's note: Coun. J. 10-3-01, p. 68139, § 4 repealed § 8-4-350, which pertained to promotion of marriage. See the Code Comparative Table.

8-4-355 Reserved.

Editor's note: Coun. J. 7-21-04, p. 28443, § 3, renumbered former § 8-4-355 as § 1-20-090. Said section pertained to failure to pay debt due and owing the city. See the Code Comparative Table.

8-4-360 Violation--Penalty.

Any person violating any of the provisions of this chapter, where no other penalty is specifically provided, shall be fined not more than $200.00 for each offense.

(Prior code § 193-35 (part))

Chapter 9-24 **RIGHT-OF-WAY**

9-24-010 Stop signs.

(a) Whenever city council by ordinance designates a street or portion thereof as a through street, the commissioner of transportation shall place and maintain a stop sign on every street intersecting the through street unless traffic at any such intersection is controlled by traffic-control signals; provided, however, that at the intersection of a through street and a heavy-traffic street not so designated, stop signs shall be erected at the approaches of either or both of the streets as may be determined by the commissioner upon the basis of an engineering and traffic study. The commissioner is hereby authorized to determine and designate intersections where particular hazards exist upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such intersections and to erect a stop sign at every such place where a stop is required. The commissioner is also authorized to erect stop signs at marked crosswalks between intersections where in his judgment a stop is required to protect pedestrian traffic. Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection, or, if there is no crosswalk, then as close as practicable to the nearest line of the roadway.

(b) When stop signs are erected as herein provided, every operator of a vehicle shall stop the vehicle at the sign or at a clearly marked stop line before entering the nearest crosswalk, if any, or the intersection, except when directed to proceed by a police officer or traffic control aide.

(c) Any person violating this section shall be fined no less than $90.00 and no more than $300.00 and may also be required to perform reasonable community service.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 12-11-91, p. 10832; Amend Coun. J. 9-9-98, p. 77385; Amend Coun. J. 11-6-02, p. 96501, § 4; Amend Coun. J. 12-4-02, p. 100729, § 4)

9-24-020 Intersections--Procedure after completed stop.

After the operator of a vehicle has stopped in obedience to a stop sign, at an intersection where a stop sign is erected at one or more entrances thereto, such operator shall proceed cautiously yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed, subject to the provisions of Section 9-24-030.

(Added Coun. J. 7-12-90, p. 18634)

9-24-030 Crosswalks--Pedestrians to have right-of-way.

Where stop signs are in place at a plainly marked crosswalk at an intersection or between intersections, pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles stopped in obedience to such signs. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

(Added Coun. J. 7-12-90, p. 18634)

9-24-040 Intersections--More than one vehicle.

(a) The driver of a vehicle approaching an intersection shall yield the right of-way to a vehicle which has entered the intersection from a different roadway.

(b) When two vehicles enter an intersection from different streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The right-of-way rules declared in this section are modified as provided in Section 9-24-020.

(Added Coun. J. 7-12-90, p. 18634)

9-24-050 Pedestrians in roadway to have right-of-way when.

When the movement of traffic is not controlled by traffic-control devices, a police officer or traffic control aide, the operator of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(Added Coun. J. 7-12-90, p. 18634)

9-24-060 Right-of-way at sidewalks.

The driver of a vehicle emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto any sidewalk or sidewalk area extending across an alleyway, yield the right-of-way to any pedestrian as may be necessary to avoid collision and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

(Added Coun. J. 7-12-90, p. 18634)

9-24-070 Yield right-of-way signs.

Where a yield right-of-way sign has been erected at an intersection, the driver of a vehicle facing the sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary and shall yield the right-of-way to other vehicles which have entered the intersecting roadway either from the right or left or which are approaching so closely on the intersecting roadway as to constitute an immediate hazard, but thereafter may proceed at such time as a safe interval occurs.

(Added Coun. J. 7-12-90, p. 18634)

9-24-080 Authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle giving audible signal by sirens, exhaust whistle, or bell or displaying an oscillating, rotating, or flashing blue beam or displaying an oscillating, rotating or flashing red beam visible under normal atmospheric conditions from a distance of 500 feet (150 meters), the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge, except on one-way streets where drivers shall drive as close as possible to the nearest edge, of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer, traffic control aide or fireman in the lawful exercise of his duties. Any person who violates any provision of this subsection (a) shall be subject to a fine of $500.00.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 1-20-99, p. 88049; Amend Coun. J. 7-19-00, p. 38598, § 1)

9-24-090 Equestrians to have right-of-way when.

The operator of any vehicle shall yield the right-of-way to a person riding a horse on a bridle path where such bridle path crosses a driveway, when signalled to do so by the raising of the arm of the rider. Nothing in this section shall relieve an equestrian from the duty of exercising due care and of obeying official traffic-control devices.

(Added Coun. J. 7-12-90, p. 18634)

9-24-100 Blind persons to have right-of-way when.

(a) Notwithstanding any other provision of this chapter, any blind person who is carrying in a raised or extended position a cane which is white in color, or white tipped in red, or who is being guided by a dog shall have the right-of-way in crossing any roadway.

(b) The driver of a vehicle approaching the place where a blind person carrying a cane as described in subsection (a) or guided by a dog is crossing a roadway shall bring his vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person.

(c) The provisions of this section shall not apply to a blind person who is neither carrying a cane as described in subsection (a) nor guided by a dog, but the other provisions of this chapter relating to pedestrians shall then be applicable to such person.

(Added Coun. J. 7-12-90, p. 18634)

Chapter 9-60 PEDESTRIANS' RIGHTS AND DUTIES

9-60-010 Crosswalks authorized--Crossing between intersections prohibited when.

(a) The commissioner of transportation is hereby authorized to designate and maintain by appropriate lines upon the surface of roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway and at such other places as he may deem necessary.

(b) Whenever, upon the basis of an engineering or traffic investigation upon any street, it is determined that pedestrian crossings between intersections shall be prohibited in the interest of public safety, pedestrians shall not cross between intersections except where there may be a marked crosswalk. Such regulations against pedestrians crossing between intersections shall be effective when appropriate signs giving notice thereof are erected.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 12-11-91, p. 10832)

9-60-020 Through streets.

No pedestrian shall cross a roadway other than in a crosswalk on any through street.

(Added Coun. J. 7-12-90, p. 18634)

9-60-030 Limited access streets and highways--Public pedestrian tunnels and bridges.

(a) No pedestrian shall cross the roadway of a limited-access street or highway other than by means of those facilities which have been constructed as pedestrian crossings or at those points where marked crosswalks have been provided.

(b) No pedestrian shall cross a roadway where a public pedestrian tunnel or bridge has been provided other than by way of the tunnel or bridge within a section to be determined by the commissioner of transportation and to be so designated by the erection of appropriate signs or fencing.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 12-11-91, p. 10832)

9-60-040 Railroad grade crossings and bridges.

(a) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(b) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(Added Coun. J. 7-12-90, p. 18634)

9-60-050 Pedestrian to yield right-of-way when.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) The foregoing rules in this section have no application under the conditions stated in Section 9-60-010 when pedestrians are prohibited from crossing at certain designated places.

(Added Coun. J. 7-12-90, p. 18634)

9-60-060 Pedestrian crossing.

(a) No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(Added Coun. J. 7-12-90, p. 18634)

9-60-070 Use of crosswalk.

Pedestrians shall move whenever practicable upon the right side of crosswalks.

(Added Coun. J. 7-12-90, p. 18634)

9-60-080 Walking along roadways.

(a) Where sidewalks are provided it shall be unlawful for a pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a roadway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

(Added Coun. J. 7-12-90, p. 18634)

9-60-090 Soliciting rides prohibited.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.
(Added Coun. J. 7-12-90, p. 18634)

9-60-100 Traffic-control signals.

Pedestrians shall be subject to traffic-control signals as provided in Sections 9-8-020 and 9-8-050, but at all other places shall be granted those rights and be subject to the restrictions stated in this chapter.

(Added Coun. J. 7-12-90, p. 18634)

9-60-110 Imitation of blind persons prohibited.

It shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of the city any cane or walking stick which is white in color, or white with a red end on the bottom.

(Added Coun. J. 7-12-90, p. 18634)

9-60-120 Pedestrians to exercise due care.

Nothing in this chapter shall relieve a pedestrian from the duty of exercising due care.

(Added Coun. J. 7-12-90, p. 18634)

Chapter 9-80 MISCELLANEOUS RULES

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

No person shall drive or move any vehicle or equipment upon any street with any device thereon displaying a blue light visible directly in front thereof, except a vehicle owned and operated by a police department, or place, maintain, or display upon or in view of any public way a flashing, rotating or oscillating blue beam.

(Added Coun. J. 7-12-90, p. 18634)

9-80-020 Red lights and flashing lights.

(a) No person shall drive or move any vehicle or equipment upon any roadway with any lamp or device thereon displaying a red light visible from directly in front thereof.

(b) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn or an emergency stop.

(c) The provisions of this section shall not apply to authorized emergency vehicles.

(Added Coun. J. 7-12-90, p. 18634)

9-80-030 Destructive substances on public way.

(a) No person shall throw or deposit upon any public way any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon such public way.

(b) Any person who drops, or permits to be dropped or thrown, upon any public way any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing wrecked or damaged vehicle from a public way shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(d) No person shall cast, throw or deposit any litter, as defined in Section 10-8-480 of the Municipal Code, upon any public way.

(e) Any police officer or traffic control aide observing a violation of this section may issue a notice of violation or other appropriate citation to any person violating any of the provisions of this section.

(Added Coun. J. 7-12-90, p. 18634)

9-80-040 Metal-tired vehicles or equipment.

No person shall move on any public way any metal-tired vehicle or equipment having on the periphery of any wheel a block stud, flange, cleat, or spike or any other protuberance of any metal other than rubber which projects beyond the tread of the traction surface of the tire; provided, however, it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, mud or other conditions tending to cause a vehicle to skid.

(Added Coun. J. 7-12-90, p. 18634)

9-80-050 Unlawful moving of vehicles.

No person other than a police officer shall move a vehicle, not lawfully under his control, into any area where stopping, standing or parking is prohibited or away from a curb or edge of roadway such distance as is unlawful or start or cause to be started the motor of any motor vehicle, or shift, change, or move the levers, brake, starting device, gears, or other mechanism, of a parked motor vehicle, to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

(Added Coun. J. 7-12-90, p. 18634)

9-80-060 Blocking of streets by railroad trains.

(a) It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

(b) It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes between the hours of 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.

(c) Any person violating any provision of this section shall be fined $100.00 for each offense. A separate distinct offense shall be held to have been committed each day any person continues to violate any of the provisions of this section.

(Added Coun. J. 7-12-90, p. 18634)

9-80-065 Malfunctioning railroad gates.

It shall be unlawful for any operator of a railroad crossing gate to fail to repair, so as to be in operable order, any gate upon being notified of a malfunction by any city official. Any person violating this section shall be fined $1,000.00 for each ten minutes that a gate remains inoperable following notice of a malfunction.

(Added Coun. J. 9-5-01, p. 66217, § 1)

9-80-070 Repairs to vehicles on boulevards.

No person shall change any parts, repair, wash, grease, wax, polish or clean a vehicle on any boulevard except such repairing, cleaning or polishing as is necessary to insure good vision, or such emergency repairs as are necessary to remove such vehicle from the boulevard. Such emergency repairs shall be made only as close as possible to the right-hand edge of the roadway, with the vehicle facing in the direction of the traffic flow.

(Added Coun. J. 7-12-90, p. 18634)

9-80-080 Parking for certain purposes prohibited.

(a) It shall be unlawful to park any vehicle upon any roadway for the sole purpose of displaying the vehicle for sale. The vehicle shall be subject to vehicle impoundment under Section 9-92-030(c). Any person that violates this subsection shall be fined $100.00. Each day the vehicle remains in violation of this subsection shall constitute a separate and distinct offense for which a separate penalty shall be imposed.

(b) No person shall park a vehicle upon any roadway or in any alley to grease or repair the vehicle except for repairs necessitated by an emergency.

(c) No person shall park a vehicle upon any roadway to sell merchandise from such vehicle except in a duly established market or pursuant to permit.

(d) Any person who violates or fails to comply with subsection (b) or (c) above shall be fined $25.00 for each offense.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 11-5-03, p. 10746, § 1)

9-80-090 Picking up riders--Prohibited.

No person operating a private vehicle shall pick up any person standing in a roadway for the purpose of soliciting a ride.

(Added Coun. J. 7-12-90, p. 18634)

9-80-100 Unlawful riding.

(a) No person shall board or alight from any vehicle while such vehicle is in motion.

(b) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

(c) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or with his control over the driving mechanism of the vehicle.

(Added Coun. J. 7-12-90, p. 18634)

9-80-110 Abandoned vehicles.

(a) It shall be unlawful for any person to abandon any motor vehicle on any public way within the city. A vehicle shall be deemed to have been abandoned if it (a) is in such a state of disrepair as to be incapable of being driven in its present condition or (b) has not been moved or used for more than seven consecutive days and is apparently deserted or (c) has been left on the public way without state registration plates or a temporary state registration placard for two or more days.

(b) It shall be unlawful for any person to leave any hazardous dilapidated motor vehicle in full view of the general public. Members of the police department and employees of the department of streets and sanitation are hereby authorized to issue a notice of parking violation and may authorize the immediate removal of any hazardous dilapidated motor vehicle where such vehicle is left in full view of the general public, whether on public or private property. Any vehicle so removed shall be towed to an authorized facility. The owner of a vehicle towed under the provisions of this subsection shall be entitled to notice, pursuant to Section 4-205 of the Illinois Vehicle Code, of the right to request a hearing regarding the validity of the tow and any towing or storage charges as provided in Section 9-92-080. Unclaimed hazardous dilapidated motor vehicles shall be disposed of as provided in Sections 4-208 and 4-209.1 of the Illinois Vehicle Code, as amended; provided, however, that if the hazardous dilapidated motor vehicle bears no ascertainable vehicle identification number, and no registration-registration sticker as defined in the Illinois Vehicle Code, and no other identification by which the last registered owner of the vehicle can be determined for the purpose of giving notice, the vehicle may be disposed of immediately after it is impounded at a public facility. Nothing in this subsection shall apply to any motor vehicle that is kept within a building when not in use, to inoperable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

(c) Any person who violates this section shall be fined the amount set forth in Section 9-100-020 for each offense. Each day a vehicle remains abandoned shall constitute a separate and distinct offense for which a separate penalty may be imposed.

(d) Whenever any vehicle shall have been abandoned in violation of this section, the person in whose name the vehicle has last been registered shall be prima facie responsible for the violation and subject to the penalty therefor. The last registered owner of an abandoned vehicle shall also be liable to the city for the towing and storage charges as provided in Section 9-92-80 and the costs of postage for notices and costs of collection.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 3-15-00, p. 27706, § 1; Amend Coun. J. 12-12-01, p. 75777, § 5.6; Amend Coun. J. 9-4-02, p. 92682, § 1)

9-80-120 Parking in parking lots.

(a) It shall be unlawful for any person not so entitled to park a vehicle in a public parking lot as defined in Section 4-208-130 of the Municipal Code of Chicago.

(b) It shall be unlawful for any person not so entitled to park a vehicle in a private parking lot established voluntarily or pursuant to the Chicago Zoning Ordinance to provide off-street parking facilities for tenants or employees of the owner.

(c) Whenever any vehicle is parked in violation of this section, any police officer or other person authorized to issue parking violation notices pursuant to Section 9-64-220, upon a written complaint signed by the owner of the parking lot or by his authorized agent that the vehicle is not entitled to the privileges of the parking lot, may attach a parking violation notice to the vehicle.

(d) Any person who violates subsection (a) or (b) of this section shall be fined $25.00 for each offense.

(Added Coun. J. 7-12-90, p. 18634)

9-80-130 City-owned parking facilities.

(a) It shall be unlawful for any person to park a vehicle in a city-owned parking facility unless the vehicle is properly parked in a designated parking space and such person has paid the appropriate parking fee.

(b) It shall be unlawful for any person to park a vehicle or allow a vehicle to remain in a city-owned parking facility during the hours that the facility is not open for use.

(c) It shall be unlawful for any person to park a vehicle or allow a vehicle to remain in a city-owned parking facility at any airport for more than 30 consecutive days.

(d) Whenever a vehicle is parked in violation of this section, any person authorized to issue a notice of parking violation pursuant to Section 9-64-220, may attach a parking violation notice to the vehicle.

(e) Any person who violates this section shall be fined $25.00 for each offense. Any vehicle parked in violation of this section shall be subjected to an immediate tow and removal to city vehicle pound or authorized garage.

(f) At the request of the parking administrator, the commissioner of

transportation shall cause to be erected signs indicating the hours when parking is prohibited at such facility and the length of time which a vehicle may be parked at such facility and warning that unauthorized or illegally parked vehicles shall be ticketed and towed.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 12-11-91, p. 10832; Amend Coun. J. 9-10-97, p. 51490)

9-80-140 Removal of parking permit or notice of violation.

(a) It shall be unlawful for any person, other than the driver of the vehicle, to remove from a vehicle a notice of violation affixed pursuant to the traffic code.

(b) It shall be unlawful for any person to remove from any vehicle a residential parking permit issued pursuant to Section 9-68-020 without first having obtained the consent of the owner.

(c) Every person convicted of a violation of any provision of this section shall be fined not less than $250.00 nor more than $500.00.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 3-9-05, p. 44095, § 1)

9-80-150 Parking meters--Damage prohibited--Interference with intent to park without paying or obtain coins unlawful.

(a) It shall be unlawful for any person to deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter. Every person convicted of a violation of this subsection shall be punished by a fine of $250.00.

(b) It shall be unlawful for any person to insert, or to attempt to insert, into the coin receptacle of any parking meter, any slug, button or other substance, or to manipulate or operate, or to attempt to manipulate or operate in any manner whatever, any parking meter or any mechanism or device connected or commonly used therewith, with the intent to park in a parking meter zone without paying therefor. Every person convicted of a violation of this subsection shall be punished by a fine of $25.00.

(c) It shall be unlawful for any person to insert, or to attempt to insert, into the coin receptacle of any parking meter, any slug, button, wire, hood, or other implement or substance with the intent to obtain from such coin receptacle a legal tender coin of the United States. Every person convicted of a violation of this subsection shall be punished by a fine of not less than $100.00 and not more than $200.00.

(Added Coun. J. 7-12-90, p. 18634)

9-80-160 Interference with traffic-control devices prohibited.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal. Every person convicted of a violation of this section shall be punished by a fine of not less than $250.00 nor more than $500.00 for each offense.

(Added Coun. J. 7-12-90, p. 18634)

9-80-170 Unauthorized signs declared a nuisance--Exceptions.

(a) No person shall place, maintain, or display upon or in view of any public way any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain upon any public way any traffic sign or signal bearing thereon any commercial advertising.

(b) Every person convicted of a violation of this section shall be fined not less than $100.00 nor more than $500.00 for each offense. Every sign, signal, or marking prohibited under this section is hereby declared to be a public nuisance, and the commissioner of transportation is empowered to and shall remove the same or cause it to be removed without notice.

(c) This section shall not apply to crossing guards displaying portable stop signs to permit the street crossing of children or to "Neighborhood Watch" signs installed and maintained by local residents or organizations; provided, however, that "Neighborhood Watch" signs shall be uniform in size, color and design as approved by the Chicago Police Department and shall be installed only on residential streets, at least eight feet above curb grade, not less than 150 feet from any intersection and in such a manner as not to obstruct any traffic or other regulatory sign or signal. This section also shall not be deemed to prohibit the erection, upon private property adjacent to public ways, of signs giving useful directional information and of a type that cannot be mistaken for official traffic signs.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 12-11-91, p. 10832)

9-80-180 Obstruction of or interference with traffic.

Any person who shall wilfully and unnecessarily hinder, obstruct or delay or who shall wilfully and unnecessarily attempt to hinder, obstruct or delay any other person in lawfully driving or travelling along or upon any street or who shall offer to barter or sell any merchandise or service on the street so as to interfere with the effective movement of traffic or who shall repeatedly cause motor vehicles travelling on public thoroughfares to stop or impede the flow of traffic shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $200.00 or imprisoned for not more than ten days, or both, for the first offense, fined not more than $500.00 or imprisoned for not more than 20 days, or both, for the second offense, and fined not more than 30 days, or both, for each such subsequent offense. Violations of this section shall be prosecuted in accordance with the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended, and the provisions of the Illinois Code of Criminal Procedure, as amended.

(Added Coun. J. 7-12-90, p. 18634)

9-80-190 Mobile food dispensers and peddlers prohibited in medical center district.

No person shall conduct the business of a mobile food dispenser or peddler as defined in this Code, on any portion of the public way within the boundaries of the medical center district and no person shall operate, stop or park any vehicle on any portion of the public way within the medical center district for the purposes of conducting any such businesses.

For the purpose of this section, "medical center district" means the area bounded by Ashland Avenue on the east, Congress Parkway on the north, Oakley Street on the west, and a line co-incidental with the north line of the property at or near 14th Street and 15th Street, owned or used by the Baltimore and Ohio Chicago Terminal Railroad Company for railroad purposes, on the south.

Any person who violates the provisions of this section shall be fined not less than $50.00 nor more than $500.00 for each offense.

(Added Coun. J. 7-12-90, p. 18634)

9-80-200 Toy vehicles.

(a) No person shall operate any pushcart upon any roadway, except by permit.

(b) No person shall ride a skateboard upon any roadway or sidewalk in a business district.

(c) No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street.

(d) Any person upon a sidewalk on roller skates or riding in or by means of any coaster, skateboard, or similar device shall yield the right-of-way to any pedestrian and shall give audible signals before overtaking and passing such pedestrian.

(e) No person riding upon any bicycle, motor-driven cycle, coaster, sled, roller skates, skateboard or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

(f) No person shall operate a motorized cycle or motorized scooter on the public way, except on a street where vehicular traffic is allowed. No person shall operate a motorized cycle or motorized scooter on a street unless the vehicle is properly registered and the operator is in possession of a valid driver's license, and meets the requirements of the Illinois Vehicle Code with respect to insurance.

Nothing in this subsection applies to any motorized wheelchair as defined in the Illinois Vehicle Code.

(g) Any person found to have violated any provision of this section shall be fined not less than $25.00 and not more than $200.00. (Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 5-26-04, p. 24884, § 1)

9-80-210 Cruising zones--Definitions.

For the purposes of Sections 9-80-210 through 9-80-214, the following definitions shall apply:

(a) "Congested traffic" means traffic on any public way which is delayed to the point that:

(1) Motor vehicles cannot move through a 100-yard corridor to an intersection controlled by a traffic light within two complete green light cycles, where the delay in forward movement is due to the position of other motor vehicles; or

(2) Motor vehicles cannot move through a 100-yard corridor to an intersection controlled by a traffic light, stop sign or yield sign within a five minute period of time where the delay in forward movement is due to the position of other motor vehicles; or

(3) Motor vehicles cannot readily move forward on portions of the public way between intersections because traffic speed is slowed to less than five miles per hour, and the delay in movement is due to the position of other motor vehicles.

(b) "Cruising" means the unnecessary repetitive driving of any motor vehicle past a traffic control point in traffic which is congested at or near the traffic control point.

(c) "Green light cycle" means the period commencing upon the switching of a traffic light from a red light to a green light through to the return of the red light.

(d) "Traffic Control Point" means a location along a "no cruising zone" utilized by a police officer as an observation point in order to monitor traffic conditions for potential violations of Sections 9-80-210 through 9-80-214.

(Added Coun. J. 10-3-90, p. 21780)

9-80-211 Cruising zones--Written notice.

A police officer shall issue a written notice to any person operating a motor vehicle passing a traffic control point twice within a one-hour period. Such notice shall state that a third passage past that traffic control point within the same one-hour period shall be a violation of this Code.

(Added Coun. J. 10-3-90, p. 21780)

9-80-212 Cruising zones--Violation designated.

Any person who, after having received a written notice as described in Section 9-80-211, subsequently drives past or is a passenger in a vehicle passing the same traffic control point within the previously described one-hour period shall be in violation of this Code.

(Added Coun. J. 10-3-90, p. 21780)

9-80-213 Cruising zones--Posting.

Sections 9-80-210 through 9-80-214 may be enforced in any area

which has been posted as a "no cruising zone." The city council shall by order designate "no cruising zones" in areas where it is determined that cruising endangers the public health, safety and welfare due to congested traffic as defined in Section 9-80-210.

"No cruising" signs shall be posted appropriately at the beginning and end of any portion of the public way determined to be a "no cruising zone." These signs shall display the hours of the day when Sections 9-80-210 through 9-80-214 will be enforced, as determined by order of the city council.

(Added Coun. J. 10-3-90, p. 21780)

9-80-214 Cruising zones--Violation--Penalty.

Any person found in violation of Section 9-80-212 shall be fined $100.00 for the first offense, $200.00 for the second offense within one year, and $300.00 for the third and each subsequent offense within one year.

(Added Coun. J. 10-3-90, p. 21780)

9-80-220 False, stolen or altered temporary registration permits.

No person shall operate or park on the public way any vehicle bearing a false, stolen or altered state temporary registration permit. A vehicle operated or parked in violation of this section is subject to immediate impoundment. The owner of record of such vehicle shall be liable to the city for an administrative penalty of $500.00 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. If the vehicle is unattended, notice shall be sent to the last registered owner of the vehicle, at the address indicated in the last valid registration of the vehicle. The notice provisions of subsection (2) of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

(Added Coun. J. 6-6-01, p. 60138, § 1)

9-80-230 Television receivers.

No person shall operate a motor vehicle when the vehicle is equipped with television broadcast receiver equipment so located that the viewer or screen is visible from the driver's seat. Any person who violates the provisions of this section shall be fined not less than $200.00 nor more than $500.00 for each offense.

(Added Coun. J. 5-29-02, p. 86336, § 1)

Chapter 10-8 USE OF PUBLIC WAYS AND PLACES

10-8-180 Snow and ice removal.

Every owner, lessee, tenant, occupant, or other person having charge of any building or lot of ground in the city abutting upon any public way or public place shall remove the snow and ice from the sidewalk in front of such building or lot of ground.

If the sidewalk is of greater width than five feet, it shall not be necessary for such person to remove snow and ice from the same for a space wider than five feet.

In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the person having charge of any building or lot of ground as aforesaid shall, within the specified, cause the sidewalk abutting on the said premises to be strewn with ashes, sand, sawdust or some similar suitable material, and shall, as soon as thereafter as the weather shall permit, thoroughly clean said sidewalk.

The snow which falls or accumulates during the day (excepting Sundays) before four p.m. shall be removed within three hours after the same has fallen or accumulated. The snow which falls or accumulates on Sunday or after 4 p.m. and during the night on other days shall be removed before 10 a.m.

(Prior code 36-19)

10-8-320 Posting bills

1. No person shall post, stick, stamp, tack, paint or otherwise fix, or cause the same to be done by any person, any sign, notice, placard, bill, card, poster, advertisement or other device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone or any other portion or part of any public way, lamppost, electric light, traffic light, telegraph, telephone or trolley line pole, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or parts of any public bridge or viaduct, or upon any pole box or fixture of the police and fire communications system, except that the city may allow the posting of decorative banners in accordance with Section 10-8-340 below.

2. There shall be a rebuttable presumption that any person, business or entity whose goods, services, activities or events are promoted by a sign is a person who posted it or caused it to be posted

3. Any person violating any of the provisions of this section shall be fined not less than $10.00 nor more than $50.00 per pole for a first offense, and not less than $50.00 nor more than $200.00 per pole for any subsequent offenses.

4. In addition, any person violating any of the provisions of this section shall be liable to the city for the cost of repair of any damage caused by the hanging, presence or removal of any such sign and for any and all claims arising out of the hanging, presence or removal of any such sign, including any claims relating to signs or the structures upon which they are hung falling on people or property. (Prior code 36-30; Amend. 7-31-96, p. 26980)

10-8-340 Donation of promotional decorative lightpole banners.

1. The commissioner of streets and sanitation may accept donations of decorative banners designed to be placed on non-ornamental lightpoles. Such donations may be permanent or for a limited amount of time. The city may use its lightpoles to display donated banners, or any other city-owned or controlled banners, that the commissioner determines will promote or celebrate the city, its civic institutions, or public activities or events in the city of Chicago and that he or she finds otherwise will promote the corporate interests and welfare of the city of Chicago.

2. The commissioner of streets and sanitation may delegate the authority to hang and remove decorative banners. Such authority may be delegated by issuance of a permit to an approved entity qualified to hang and remove banners and shall be limited to a period of 60 days, except that for the central business district, approval shall be limited to a period of 30 days. Upon application, permits may be renewed for additional such periods in the discretion of the commissioner. No permit shall be renewed where another entity has requested that its donated banner be hung at such location or during such time period or where and event referred to in the donated banner is over; except that the commissioner shall have the discretion to determine that in certain neighborhood commercial areas, the corporate interests and welfare of the city of Chicago are best served by neighborhood identifier banners, and renewal permits for such banners may be given precedence over other requests.

The commissioner shall give notice of all permit applications to the alderman in the ward in which permission to have the banner displayed has been requested.

For purposes of this section, "central business district" shall mean that portion of the city bounded on the west by the east and west side of Halsted Street, on the north by the north and south sides of Division Street, on the east by Lake Michigan, and on the south by the north and south sides of Roosevelt Road.

Any person or entity who hangs a banner on a city lightpole without first obtaining approval from the commissioner, or who violates any condition of the commissioner's approval, shall be fined $100.00 per pole, per day.

No donated banner may be hung unless the donor hires a professional company to hang and remove the banners. Banners, brackets and hardware must be taken down within 48 hours after expiration of the permit approving hanging of the donated banner, or within less time upon notice from the commissioner. Any permittee which fails to remove a donated banner within such time period shall be fined $100.00 per pole, per day, and shall be liable to the city for the cost of removing such banner. In addition, any permittee shall be liable to the city of the cost of repair of any damage to city lightpoles caused by the hanging, presence or removal of any banner placed by such company.

3. No permit to hang a donated banner shall be issued to a professional banner company until it has furnished the commissioner with an original certificate of insurance, which must evidence that the company has procured commercial liability insurance or the equivalent thereof with limits of not less than $1,000,000.00 per occurrence, combined single limit for bodily injury, personal injury, and property damage, which shall cover any damage caused by the hanging, maintenance or removal of the banners on city lightpoles. The city of Chicago shall be named as an additional insured, without recourse or right of contribution. Upon receipt of the certificate of insurance, the commissioner will transmit copies to the department of transportation, bureau of inspections and to the department of finance risk manager.

4. The donor shall indemnify and hold the city, its officers, agents and employees, harmless from any and all claims arising out of the placement of, maintenance of, use of or removal of banners, including any claims relating to banners or structures upon which they are hung falling on people or property.

5. The commissioner of streets and sanitation shall promulgate rules and regulations governing the display of banners to protect public safety and welfare, including ensuring against fire hazards, traffic problems, and visual blight. Such rules shall include, but are not limited to, specifications as to number, size, materials, printing processes, supporting structures, and hanging and removal. The commissioner shall have the authority, however, to waive specific rules when 1 the banner substantially complies with the rules; 2 prior to the enactment of this ordinance, the donor previously had displayed such banner on city lightpoles, pursuant to the commissioner's permission; and 3 the commissioner determines that the waiver will not have any adverse effect on public safety and welfare. The commissioner also shall have the authority to determine that the display of decorative banners is unsuitable in certain residential areas. (Added. Coun. J. 7-31-96, p. 26980)

TITLE 10 **DRIVEWAYS**

ARTICLE IV.

10-20-400 Supervision.

The authorization for, and issuance of, a use of public way permit for driveways shall be under the direction and supervision of the commissioner of transportation, and the location and construction of the same shall be in accordance with the plans and specifications as approved by said commissioner.

(Prior code § 33-14; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 6-9-99, p. 5453)

10-20-405 Use of public way permit required.

No person shall hereafter establish or maintain any driveway over, across or upon any public sidewalk or public parkway without first obtaining a use of public way permit from the commissioner of transportation as hereinafter provided.

(Prior code § 33-15; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 6-9-99, p. 5453)

10-20-410 Insurance required.

No use of public way permit for a driveway shall be issued until a written application therefor has been made by the owner or, with the consent of the owner, a long-term leaseholder of the property to which the proposed driveway is to be connected to the commissioner of transportation and the certificate of insurance herein provided for has been filed with said commissioner. For purposes of this section, a "long-term lease holder" means an individual who holds a lease for the property for a minimum term of ten (10) years.

(Prior code § 33-16; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 6-9-99, p. 5453)

10-20-415 Application--Insurance--Notice--Appeal.

(a) Application in writing for a use of public way permit for a driveway shall be made to the commissioner of transportation on forms prescribed by said commissioner, and shall contain the name and address of the owner or leaseholder making application, the use of the property with which the proposed driveway is to be connected, including a description of the type of business activity to be performed on the property, and whether in the building thereof it will be necessary to cut down or alter the street curb or elevate or depress the existing grade of sidewalks or parkways, and a sketch showing the proposed location and dimensions of such driveway, the location of adjacent streets and alleys and any other driveways connected with the property. An application shall be approved and a permit issued only upon a determination of the commissioner of transportation, upon consultation with the following departments, that the driveway will not (1) create undue safety hazards in the use of the street, parkway or sidewalk by vehicular or pedestrian traffic, nor (2) impede the safe and efficient flow of traffic upon the streets and sidewalks adjoining the property for which the driveway is proposed, and upon his or her determination that the existing and proposed use of the property to be connected by said driveway is in all respects in conformity with existing traffic, zoning and building ordinances. The commissioner of transportation shall refer applications (1) to the bureau of traffic in the department of transportation for investigation and report on the traffic aspects incident to such determination, (2) to the zoning administrator for review and advice as to the zoning and building aspects incident to such determination, (3) to the commissioner of water management for review and advice as to the drainage structure, manhole and sewer aspects, and hydrant and water control valve aspects incident to such determination, and (4) to the bureau of electricity in the department of streets and sanitation for review and advice with regard to the underground equipment and street lighting aspects incident to such determination. In the event that the construction of the driveway will require the city to incur costs in making modifications to, over, or under the public way, the applicant shall be provided with an estimate of such costs and no use of public way permit for a driveway shall be issued until the applicant has first paid to the city the amount of the estimate. In the event that the city's cost to make such modifications is less than the estimate, the amount of the surplus shall be returned to the permittee. In the event that the city's cost to make such modifications is greater than the estimate, the commissioner of transportation is authorized to assess the permittee for the amount of the deficiency.

(b) Plans and specifications of such driveway, in accordance with standard specifications established by the commissioner of transportation, shall be submitted to the commissioner of transportation and shall be accompanied by proof of insurance against any liability, loss or claim arising out of the issuance of the permit, or out of the permitted disturbance of the public way or part thereof. Such insurance shall be issued by an insurer authorized to do business in Illinois, shall name the city, its officers, employees and agents as additional insured and shall be in an amount no less than $250,000.00 per occurrence for a Class A use of public way permit (as defined in Section 10-20-420), and in an amount no less than $1,000,000.00 per occurrence for a Class B use of public way permit (as defined in Section 10-20-420). The insurance policy shall be kept in force throughout the life of said permit, and if at any time during the life of said permit said insurance shall not be in full force, then the authority and privileges herein granted shall thereupon cease. With respect to a Class B use of public way permit (as defined in Section 10-20-420), the insurance policy shall provide for written notice to the commissioner of transportation within 30 days of any lapse, cancellation or change in coverage. The commissioner of transportation in his or her discretion may require, instead of such insurance, any alternative form of indemnity, protection or security that he or she deems necessary to accomplish the above-described purposes.

(c) Every application for a use of public way permit for a driveway shall provide that, as a condition for receiving the permit, the applicant shall indemnify, keep and save harmless the city against all liabilities, judgments, costs, damages and expenses which may in any way come against said city in consequence of the granting of said permit, or which may accrue against, be charged to or recovered from said city from, or by reason, or on account of any act or thing done by the grantee by virtue of the authority given in said permit, or by reason or on account of any defect in the construction or design of said driveway or by reason or on account of the failure to maintain said driveway in good condition and repair

and free and clear of snow, ice or obstruction of any kind.
(d) Prior to issuing a use of public way permit for a driveway, the commissioner of transportation shall give 20 days written notice of the proposed issuance of the permit to the alderman of the ward in which the proposed driveway is to be located and no permit shall be valid unless such notice is delivered; provided, however, that the affidavit of the commissioner of transportation showing delivery of such notice to such alderman in person or by mailing to such address as the alderman may have filed with the city clerk, shall be conclusive evidence of delivery of such notice.
If the commissioner of transportation shall refuse to grant a driveway permit, the applicant may appeal to the mayor. Such appeal shall be made within 20 days after the commissioner of transportation sends written notice of such refusal to the applicant. Upon written notice by the applicant, the commissioner of transportation shall transmit to the mayor the application and all other relevant papers and data. The mayor may then approve the application and issue such permit only if he makes the determination hereinbefore provided for the issuance of such driveway permit. A final administrative decision of the mayor hereunder shall be subject to judicial review as provided by law.
(e) The commissioner of transportation is hereby authorized and directed to refuse applications for driveway permits in all cases where frontage consents are required until such time as proof is made of the filing of said frontage consents with the zoning administrator.

(Prior code § 33-17; Amend Coun. J. 9-13-89, p. 4604; 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 12-4-02, p. 99026, § 1.10)

10-20-420 Permit classes and fees.

(a) Permit classes and fees for the establishment and maintenance of driveways under this article shall be as follows:

TABLE INSET:
Fee per Driveway
(1) Class A
Residential-not to exceed 4 units
a one-time fee of $10.00
(2) Class B
driveways up to 25 feet wide
an annual fee of $100.00

driveways over 25 feet wide
an annual fee of $100.00 plus $2.00 for every foot in excess of 25 feet

Provided that any place used exclusively for charitable, educational or religious purposes shall, after payment of the first year's permit fee, be exempt from payment of the annual permit fee thereafter.

For purposes of this subsection, the width of a driveway shall be measured at its widest point.

(b) The permit fee for each driveway within the Central Business District, as that area is defined in Section 9-4-010 of the Code, shall be twice the amount set forth in subsection (a) above; provided that Class A permits and any place used exclusively for charitable, educational or religious purposes shall be exempt from the provisions of this subsection.

(c) For all Class A and Class B permits, a new permit fee shall be paid by the owner or long-term leaseholder upon any change of ownership or leaseholder in the property serviced by the driveway.

(Prior code § 33-18; Amend Coun. J. 12-21-88, p. 23170; Amend Coun. J. 11-17-93, p. 42192; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 12-4-02, p. 99026, § 6.1)

10-20-425 Plans and specifications.

No use of public way permit shall be issued for any driveway until plans indicating the location, configuration and specifications therefor and the use of the property with which the proposed driveway is to be connected, including a description of the type of business activity to be conducted on the property, have been submitted to and approved by the commissioner of transportation, who may refer said plans and specifications to other appropriate departments for review and advice. No alteration or change from the terms of said permit, including any change in the use of or type of business activity conducted on the property to which the driveway is connected, shall be made without the written consent thereto of said commissioner.

(Prior code § 33-19; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 6-9-99, p. 5453)

10-20-430 Commercial driveway permits.

All commercial driveway permits are subject to immediate revocation and driveways closed and ordered removed at owner's expense unless the permit holder complies with the following requirements:

a. All property requiring a commercial driveway permit must have a physical barrier to prevent alley access, unless exempted by the city council.

b. This physical barrier must be erected within 60 days after issuance of a permit and shall either be steel guardrail constructed in compliance with this Code or other barrier (except wheel stops) approved by the commissioner of transportation.

(Prior code § 33-19.1; Added Coun. J. 12-14-88, p. 21369; Amend Coun. J. 12-11-91, p. 10925; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 6-9-99, p. 5453)

10-20-435 Alley access to parking structure permitted when.

No alley access shall be permitted to any parking lot or garage if the capacity at that lot or garage is in excess of six spaces, unless approved by the city council.

(Prior code § 33-19.2; Added Coun. J. 12-14-88, p. 21369; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 4-9-03, p. 106709, § 1)

10-20-440 Construction.

Where driveways are to be built across the sidewalk spaces,

unless otherwise expressly authorized they shall conform to the sidewalk grade. Such driveways shall be constructed of concrete eight inches in depth and shall otherwise comply with applicable regulations. Provided, however, that in the case of driveways across viaduct sidewalks or existing residential asphalt driveways. variations of construction and materials to conform to existing condition may be made when approved by the commissioner of transportation.
No driveway shall be so constructed as to prevent free and unobstructed passage on, over or across the same, or in such a manner as to interfere with the proper drainage and safe grading of the streets. No driveway shall be constructed across intersecting sidewalks. Gradual approaches to the regular sidewalk grade shall be made from the grade of the driveway. The slope of any driveway and the approaches thereto shall not exceed one inch vertical to one foot horizontal nor be less than one-fourth inch vertical to one foot horizontal in any direction, except that the slope from street curb line shall not exceed one inch vertical to one foot horizontal.

(Prior code § 33-20; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37764)

10-20-442 Driveways rendered unusable--Removal and restoration.

(a) No person shall maintain any driveway over, across or upon any public sidewalk or public parkway if the property to which the driveway is connected has a permanent barrier, including, but not limited to, a fence, wall, building or landscaping which prevents the ingress and egress of vehicles to the property from the driveway. A use of public way permit issued for a driveway maintained in violation of this section may be revoked by the commissioner of transportation.

(b)
(1) If a business served by a commercial driveway ceases operation and there is no business activity conducted at that location, the owner of the property to which the driveway is attached or the grantee of a public way permit for the driveway shall, at his own expense, erect, within ten days of cessation of the business, a barrier across the driveway to prevent access to the property. The design of the barrier shall be approved by the commissioner of transportation. If the cessation of the business activity continues for a period of 180 consecutive days, the owner or grantee shall, at his expense, remove the driveway and restore the sidewalk, parkway, curbs, gutters, and any trees and landscaping required by the provisions of this Code; provided that the commissioner of transportation may waive this requirement for the following reasons:

(A) the property to which the driveway is attached is either (i) under a contract for sale and the sale will be completed within a reasonable time period, or (ii) the property is for sale and is actively being marketed; and

(B) the owner of the property has erected a barrier across the driveway pursuant to the provisions of this subsection.

(2) The owner of the property or the grantee of a public way permit subject to the provisions of subsection (b)(1) of this section shall, at his own expense, erect, within ten days of cessation of the business, a barrier to prevent alley access notwithstanding any contrary provision of any other ordinance. The design of the barrier shall be approved by the commissioner of transportation.
(c) Whenever the commissioner of transportation determines that the property to which a driveway is attached has been physically rendered unusable as a driveway in violation of this section, the commissioner may order the driveway removed and the sidewalk and public parkway space where the driveway is located restored to its proper condition so that the portion of the sidewalk and public parkway space used for the driveway shall be safe for public travel and in the same condition as the remaining portion of the sidewalk and public parkway space. The provisions of this section shall not apply to driveways attached to residential dwellings of three units or less.

(d) Any person who violates the provisions of this section shall be fined not less than $50.00 nor more than $500.00 for each offense. Each day a violation continues shall constitute a separate and distinct offense. If the owner of the property to which the driveway is attached or the grantee of a use of public way permit that was issued for the driveway at the time of the violation fails, neglects or refuses to remove the driveway, the city may proceed to remove the driveway and restore the sidewalk, parkway, curbs, gutters and any trees and landscaping. The owner of the property to which the driveway is attached and the grantee of a use of public way permit issued for the driveway at the time of the violation shall be jointly and severally liable for any fines, the cost of the erection of any barrier, and the cost of any removal and restoration.

(Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 12-4-02, p. 99026, § 6.1)

10-20-445 Permits--Revocation.

Use of public way permits required for driveways by this chapter shall contain conditions as follows:

Said permit may be revoked by the mayor, or by an order passed by the city council and signed by the mayor, at any time without the consent of the grantee, in which case the authority and privileges granted shall thereupon cease and terminate; upon the termination by revocation, expiration or otherwise of the authority, rights and privileges granted by said permit, the driveway therein authorized shall be removed and the sidewalk and/or public parkway space where the same shall have been located shall be restored to its proper condition to the satisfaction of the commissioner of transportation, so that the said portion of the said sidewalk and/or public parkway space used for said driveway shall be safe for public travel and in the same condition as the remaining portion of said sidewalk and/or public parkway space; provided, that in the event of the failure, neglect or refusal on the part of said grantee or the owner of the property to which the driveway is attached to remove said driveway when directed so to do, the city may proceed to remove same. The grantee and the owner of the property to which the driveway is attached shall be jointly and severally liable for the costs of the removal and restoration.

Such permits may be revoked by the commissioner of transportation for failure or neglect to comply with the provisions of this chapter.

(Prior code § 33-21; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 6-9-99, p. 5453)

10-20-447 Definition--Commercial driveway.

For purposes of this chapter, "commercial driveway" means any Class B driveway pursuant to section 10-20-420.

(Added Coun. J. 12-4-02, p. 99026, § 6.1)

10-20-450 Violation--Penalty.

(a) Any person violating any of the provisions of this chapter or applicable regulations concerning driveways shall be fined not less than $100.00 nor more than $1,000.00 for each offense, unless otherwise specifically provided. A separate and distinct offense shall be held to have been committed each day any person violates any of said provisions.

(b) In addition to any fine imposed, the owner of property to which a driveway is attached and maintained without a use of public way permit in violation of this chapter may be required to remove the driveway and restore the sidewalk and/or public parkway space where the driveway is located to its proper condition so that the portion of the sidewalk and/or public parkway space used for the driveway shall be safe for public travel and in the same condition as the remaining portion of the sidewalk and/or public parkway space. If the owner of the property to which the driveway is attached fails, neglects or refuses to remove said driveway, the city may proceed to remove the driveway and restore the sidewalk and/or public parkway space. The owner of the property to which the driveway is attached shall be liable for a penalty in the amount of the costs of the removal and restoration.

(Prior code § 33-22; Amend Coun. J. 1-14-97, p. 37764; Amend Coun. J. 6-9-99, p. 5453)

10-32-010 Definitions.

Whenever the following words or terms are used in this chapter, they shall have the following meanings:

(a) "Commissioner" means the commissioner of the department of streets and sanitation, or his designee.

(b) "Deputy commissioner" means the deputy commissioner of the bureau of forestry, parkways and beautification of the department of streets and sanitation, or his designee.

(c) "Parkway" means that portion of the public way between a public street and the nearest parallel property line including sidewalk areas.

(d) "Median" means the center strip of a boulevard or street on which trees, shrubs, or other plant material are planted.

(e) "Shrub" means a multistemmed woody plant.

(f) "Public tree or shrub" includes, without limitation, any shade or ornamental tree or shrub now or hereafter growing on property of the City of Chicago under the jurisdiction of the bureau of forestry, parkways and beautification.

(g) "Parkway tree" means a tree planted in a parkway.

(h) "Forestry operations" means any planting, pruning, cultivation, maintenance or removal of any tree, shrub or other plant material by the deputy commissioner in accordance with this chapter.

(Prior code § 32-1; Amend Coun. J. 2-6-91, p. 30591)

10-32-020 Authority of commissioner.

In addition to all other powers and duties conferred on him by this Code, the commissioner of streets and sanitation shall have the authority:

(a) To prohibit or restrict parking on any street or portion thereof for the purpose of facilitating forestry operation;

(b) To erect temporary signs designating the street or portion thereof in which the parking of vehicles is prohibited during forestry operations;

(c) To remove and relocate any vehicle parked in violation of such notices, either to the nearest legal parking place or to a facility operated by the City of Chicago for the storage of towed automobiles;

(d) To issue permits in accordance with this chapter;

(e) To supervise the deputy commissioner in his performance of the powers and duties established in this chapter.
(Prior code § 32-2)

10-32-030 Authority of deputy commissioner.

In addition to all other powers and duties conferred on him by this Code, the deputy commissioner shall have the authority:
(a) To plant, prune, cultivate, maintain and remove any tree, shrub or other plant material now or hereafter located on a parkway, median or other public property under his jurisdiction;
(b) To place barricades at streets, curbs, sidewalks and other locations where necessary to protect persons and property during the performance of all forestry operations;

(c) To relocate, after making a reasonable effort to notify the owner thereof, any unauthorized obstruction on a public way which prevents or impedes his ability to perform forestry operations;

(d) To remove any unauthorized object, structure or fixture from a parkway or median;

(e) To enter upon private property within the City of Chicago at all reasonable times for the purpose of examining any tree, shrub or other plant material located upon or over such property, and for the purposes of carrying out the provisions of this chapter;

(f) To issue rules and regulations not inconsistent with this chapter or with any other applicable provisions of the Municipal Code, subject to the approval of the commissioner, governing the planting, pruning, cultivating, maintenance and removal of public plant materials, and for the protection of the parkway and medians;

(g) To prohibit and regulate by such rules the planting of certain varieties of trees, shrubs and other plant material on parkways and medians. In determining which types of trees , shrubs and other plant material should be prohibited or regulated, the deputy commissioner shall consider the adaptability of such tree, shrub or plant material to local weather and soil conditions; the effect of its root system on adjacent sidewalks, curbs, gutters, streets, underground pipes and sewers; its effect on nearby vegetation; and its effect on nearby human and animal life;

(h) In connection with the installation of parkway trees required by Section 194A-5.13 of the city's zoning code, and pursuant thereto, to review plans, to make inspections, to make recommendations to the zoning administrator regarding conformance of required parkway trees with this chapter and with regard to other matters pertaining to the required installation of parkway trees.

(Prior code § 32-3; Amend Coun. J. 2-6-91, p. 30591)

10-32-040 Trees, shrubs or other plant materials--Public nuisance.

Any tree, shrub or other plant material which interferes with the proper spread of light along a street or alley from a streetlight, or interferes with the visibility of any traffic-control sign or device, or does not provide ten-foot clearance above public ways or sidewalks, or has dead, dying, diseased or broken limbs which may be hazardous to public safety, or is dead or diseased or harbors insects or pests which constitute a potential threat to nearby human or animal life or to other trees within the city, is hereby declared to be a public nuisance.

The deputy commissioner shall issue a notice of any such nuisance and cause it to be served upon the owner of the property where such nuisance is located, by delivery at the address of the property or by certified mail. The owner shall cause the condition

creating such nuisance to be removed within ten days after receipt of said notice, at his own expense. If the owner fails or refuses to comply with the provisions of this section, in addition to any other penalties described in this chapter, the commissioner may remove or cause to be removed the condition creating such nuisance and any expense incurred by the city in so doing shall be a charge against the owner, which may be recovered in an appropriate legal proceeding instituted by the corporation counsel.

(Prior code § 32-4)

10-32-050 Care of parkway.

The owner or person in control of property contiguous to the parkway shall be responsible for watering and fertilizing parkway trees required to be installed pursuant to Title 17, Section 5.13A of the city's zoning code and for routine care of the parkway lawn. Routine care of the parkway lawn shall include periodic watering, weeding and mowing, as well as replacement of vegetation that dies. The owner or person in control of property contiguous to the parkway shall replace any parkway trees required to be installed pursuant to Title 17, Section 5.13A of the city's zoning code in the event of the death of any trees resulting from the failure to water or fertilize as required herein.

(Prior code § 32-5; Amend Coun. J. 2-6-91, p. 30591; Amend Coun. J. 7-21-99, p. 9425; Amend Coun. J. 7-10-02, p. 90212, § 1)

10-32-060 Permit required.

No person other than the deputy commissioner shall plant, remove, trim, spray or chemically inject or treat, or in any way affect the general health or structure of a parkway tree or shrub without first having obtained a permit to do so in accordance with the provisions of this chapter; provided, however, that no permit shall be necessary for the activities described in Section 10-32-050. All permit requirements of this chapter shall be applicable to governmental agencies and to public utilities governed by an Act concerning Public Utilities, approved June 29, 1921, as amended.

(Prior code § 32-6)

10-32-070 Application for permit.

Application for a permit under this chapter shall be made on a form prepared by the commissioner, and shall contain the following information:

(a) The name and address of the applicant;

(b) The address of the property adjacent to the parkway where the applicant desires to have work done;

(c) The nature of the work to be done;

(d) The name of the person who is to perform the work;

(e) The estimated starting and completion dates of the work;

(f) Such other and further information as the commissioner shall deem necessary.

(Prior code § 32-7)

10-32-080 Issuance of permit.

No permit shall issue for any work on a parkway unless:

(a) The application therefor is complete;

(b) The applicant agrees, in writing, to indemnify and hold harmless the City of Chicago, its officers, agents, attorneys and employees from any and all liability or claims arising from or relating to the granting of a permit and/or the performance of the work for which the permit is sought; and

(c) The person who is to perform the work presents to the commissioner a certificate or other proof of liability insurance in the minimum amount of $50,000.00 for bodily injury and $100,000.00 for property damage, naming the City of Chicago as additional insured.

(Prior code § 32-8; Amend Coun. J. 2-6-91, p. 30591)

10-32-090 Permit fee.

The fee for issuance of a permit for work described in Section 10-32-060 shall be $20.00 payable at the time of application. Other permits issued under this chapter shall be issued without charge.

(Prior code § 32-9)

10-32-100 Contents of permit.

A permit issued hereunder shall state specifically the work permitted to be done, the address of the property adjacent to the parkway where the work is to be done, and the estimated starting date of the work. A permit issued hereunder shall expire 60 days from the date of issuance.

(Prior code § 32-10)

10-32-110 Attaching material to tree.

No person shall secure, hang, fasten, attach or run any rope, wire, sign, decoration, electrical device or other material upon, around or through any public tree without a permit to do so.

(Prior code § 32-11)

10-32-120 Protection of trees during building operations.

During the erection, alteration, repair, demolition or removal of any building or structure, or excavation in connection therewith, the owner of the affected property shall place or cause to be placed around each nearby public tree one or more protective devices sufficient to prevent injury to the trunk, crown and root system of each such tree. No such device may be installed without a permit issued by the commissioner, who shall first determine that the devices will not injure the tree; such permit shall specify the manner of erecting or installing each protective device.

(Prior code § 32-12)

10-32-130 Removal of protective device.

No person shall remove any permitted device intended for the support or protection of a public tree without a permit issued by the commissioner.

(Prior code § 32-13)

10-32-140 Placing substance on parkways.

No person shall place or maintain or allow to be placed upon a parkway or median any asphalt, cement, stone, lumber or other substance without a permit issued by the commissioner. In determining whether to grant such a permit the commissioner shall consider: the nature of the substance; the quantity of the substance; the length of time during which the substance will remain on the parkway or median; its effect on trees , shrubs and other plant material on the parkway or median; the purpose of placing or maintaining the substance on the parkway or median; and the alternatives which may be available to the applicant.

(Prior code § 32-14)

10-32-150 Work to be performed according to permit.

Any work to be performed under a permit issued hereunder shall be performed in accordance with said permit, this chapter and the rules and regulations promulgated hereunder. Violation of the terms of a permit, this chapter or rules and regulations promulgated hereunder shall be grounds for suspension or revocation of such permit, in addition to any other penalty provided in this chapter.

Upon completion of the work the holder of the permit shall restore the parkway or median to a condition similar to that which existed prior to the work.

(Prior code § 32-15)

10-32-160 Parkway tree as city property.

Once planted on a parkway, a tree shall become and remain the property of the city and shall be subject to the provision of this chapter.

(Prior code § 32-16)

10-32-170 Causing injury to public tree or shrub.

No person shall break, tear, paint, deface or damage any public tree or shrub; nor shall any person cause or allow any toxic chemical, gas, salt, oil, or other injurious substance to be dumped, drained or applied to or to seep or drain upon or about any public tree, shrub or other plant materials; provided, however, that this section shall not apply to the salting of streets by the commissioner for the purpose of melting ice and snow.

(Prior code § 32-17)

10-32-180 Organized athletic activity on parkway.

Parkways and medians shall not be used for organized athletic activity involving more than eight persons, without a permit issued by the commissioner.

(Prior code § 32-18)

10-32-190 Violation--Penalty.

Any person who violates or fails to comply with any of the provisions of this ordinance shall be fined a sum not less than $10.00, nor more than $500.00 or may be imprisoned for a term not exceeding 60 days, or both. Each day during which any violation shall occur or continue shall be a separate offense.

(Prior code § 32-19)

10-32-200 Replacement or removal of damaged tree or shrub.

If, as the result of the violation of any provision of this ordinance, the injury, mutilation or death of a public tree, shrub or other plant material is caused, the costs of repair, removal or replacement of such tree, shrub or other plant material or shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens," as published by the International Society of Arboriculture.

(Prior code § 32-20)

10-32-210 Use of fines to defray expenses.

Whenever any public tree, shrub or other plant material has been damaged or killed and a fine has been recovered therefor under the provisions of this chapter, or where the amount of such damage has been ascertained and the settlement of such claim has been authorized, such fine or the amount so paid in settlement, or any necessary part thereof, when transferred to the city comptroller, may in the discretion of the commissioner of streets and sanitation be used for the purpose of defraying all necessary expenses incurred in and by the removal of such tree, shrub or other plant material and in replacing the same by a living tree, shrub or other plant material; provided, that the city council, from year to year, shall appropriate according to law an amount equal to the fines collected and sums of money paid in satisfaction of damages to trees, shrubs or other plant materials, as aforesaid, for such purposes.

Prior code § 32-21)

10-32-220 Required parkway trees--Planting standards.

Any person required to plant parkway trees pursuant to the provisions of Section 194A-5.13 of the city's zoning code shall do so in compliance with the following conditions:

(1) Each parkway tree shall have a minimum caliper of two andone-half inches or a minimum of four inches within the Central Area (an area bounded by North Avenue; Lake Michigan; Cermak Road; and Ashland Avenue) as measured at a point six inches

above grade level and shall be balled and burlapped. Curbs and low railings shall be installed around parkway planters (i.e. a raised planting area constructed to contain soils, plants and trees) within the Central Area for the purpose of protecting landscaped areas from heavy pedestrian traffic consistent with recommendations in the Guide to the Chicago Landscape Ordinance.

Where the deputy commissioner of the bureau of forestry determines it is not feasible to install parkway trees due to inadequate sidewalk widths or other limiting conditions, he/she may require the installation of sidewalk planters of a size and type described in the Guide to the Chicago Landscape Ordinance. The sidewalk planters installed in lieu of parkway trees shall be provided in an amount equal to no less than two square feet of planter area per linear foot of lot area as measured at the front lot line or the front and side lot lines on corner lots.

(2) The number of parkway trees installed shall not be less than one tree for each 25 lineal feet of property frontage, or any fraction thereof greater than one-half, along all parkways contiguous to such property. The type, size and location of such trees shall be subject to the rules and regulations promulgated by the deputy commissioner;

(3) Any existing parkway tree of two and one-half inch caliper or more located within the parkway contiguous to such property which is preserved may be counted toward satisfaction of the requirements of this section; and

(4) Every parkway tree shall be planted in conformance with the provisions of any regulations issued regarding the use of the public way including, without limitation, the "Manual of Tree Planting Standards," as it may be amended from time to time.

(5) All parkway trees shall be installed and maintained in compliance with the following requirements: 1) tree grates shall be required where tree[s] are planted in sidewalk openings; 2) black lava rock mulch shall be required in trees pits below trees grates and shall be installed to a level flush with the bottom of the tree grate; 3) curbs and railings to protect plantings shall be required on busy pedestrian retail and commercial streets within the Central Area (an area bounded by North Avenue; Lake Michigan; Cermak Road; and Ashland Avenue) consistent with recommendations in the Guide to the Chicago Landscape Ordinance.

The soil volume and composition for required parkway trees or planters shall meet the following requirements: 1) soils shall have a three-foot minimum depth; 2) planting areas shall have a minimum of 24 square feet of surface area with no dimension less than three feet; 3) soil composition (soil types, acidity and organic content) and soil percolation rates shall follow the recommendations of the Guide to the Chicago Landscape Ordinance. The deputy commissioner may require the addition of structural soil below sidewalk slabs in order to permit root growth beyond a small pit or sidewalk cut in those circumstances where the new construction involves the replacement of existing sidewalks.

(Added Coun. J. 2-6-91, p. 30591; Amend Coun. J. 7-21-99, p. 9425)

10-32-230 Required parkway trees--Review and inspection.

In connection with the installation of parkway trees required to be installed pursuant to the provisions of Section 194A-5.13 of the city's zoning code, the deputy commissioner shall (1) review the plans and specifications submitted to the zoning administrator for such trees and thereafter make a recommendation to the zoning administrator regarding conformance of such plans and specifications with the provisions of this chapter; and (2) inspect such parkway trees following installation and thereafter make a recommendation to the zoning administrator regarding conformance of the installation of such parkway trees with the approved plans and specifications.

(Added Coun. J. 2-6-91, p. 30591)

10-32-240 Required parkway trees--City planting.

Within one year following the issuance of the certificate of occupancy by the zoning administrator for any one, two or three-family dwellings, as such dwellings are defined by Section 194A-3.2 of the city's zoning code, subject to such extensions of this period as the deputy commissioner deems appropriate, the deputy commissioner shall authorize and direct the installation of parkway trees within the parkway contiguous to the property upon which such dwelling is situated.

(Added Coun. J. 2-6-91, p. 30591)

10-32-250 Severability.

Should any section, clause or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the ordinance as a whole or part thereof, other than the part so declared to be valid. To this end the provisions of this ordinance are declared to be severable.

(Prior code § 32-22; Amend Coun. J. 2-6-91, p. 30591)

CHAPTER 11-4: ENVIRONMENTAL PROTECTION AND CONTROL ORDINANCE.

ARTICLE I. GENERAL PROVISIONS

11-4-010 Title.

This chapter shall be known, cited and referred to as "The Chicago Environmental Protection and Control Ordinance."

(Prior code § 17-1; Amend Coun. J. 12-11-91, p. 10978)

11-4-020 Enforcement of provisions.

(1) The provisions of this chapter, known as the Chicago Environmental Protection and Control Ordinance, shall be enforced by the commissioner of the department of environment, except for Article III which shall be enforced by the building commissioner and the executive director of construction and permits. All duties and powers granted herein shall be exercised by each such official.

(2) In addition to any other available penalties and remedies provided for in the Code, one or more citations for violation of this chapter on each of three or more separate days within a three month period at the same construction site may result in a stop work order issued by the department of the environment, directing that all activity cease for 10 days. Any further citation for violation at the same construction site within six months after the initial stop work order may result in the issuance of another 10 day stop work order. The department shall lift a 10 day stop work order only if sufficient evidence of compliance with this chapter is provided to the department. As used in this section, the term "construction site" has the meaning ascribed to the term in Section 13-32-125.

(a) It shall be unlawful for any person to knowingly violate a stop work order, or to knowingly cause, permit, encourage, assist, aid, abet or direct another person to violate a stop work order, or to knowingly in any manner be a party to a violation of a stop work order.

Any person who violates this subsection upon conviction shall be punished, as follows:

(i) incarceration for a term not less than three days, nor more than six months, under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended, and the Illinois Code of Criminal Procedure of 1963, as amended; and

(ii) community service of not less than 10 hours, nor more than 100 hours; and

(iii) a fine of $5,000.

(b) It shall be unlawful for any person to knowingly destroy, deface, remove, damage, impair, mar, cover or obstruct any stop work order that a city official has posted or affixed at a work site.

Any person who violates this subsection upon conviction shall be punished, as follows:

(i) incarceration for a term not less than three days, nor more than six months, under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended, and the Illinois Code of Criminal Procedure of 1963, as amended; and

(ii) community service of not less than ten hours, nor more than 100 hours; and

(iii) a fine not less than $200.00, nor more than $500.00.

(Prior code § 17-1.1; Amend Coun. J. 9-13-89, p. 4604; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 12-4-02, p. 99026, § 2.4; Amend Coun. J. 12-15-04, p. 40435, § 3)

11-4-110 Severability.

If any provision, clause, sentence, paragraph, section or part of this chapter, or application thereof to any person, firm, corporation 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 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 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 invalid provision or provisions not been included.

(Prior code § 17-1.10)

11-4-120 Definitions.

"Acoustical terminology." Definitions of all acoustical terminology shall be that contained in ANSI SI.1 Acoustical Terminology.

"Air contaminant" means any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance or annoyance to the public, or to endanger the health, safety or welfare of the public or as to cause or have a tendency to cause injury or damage to business or property.

"Air furnace" means a horizontal furnace, externally fired with a natural draft stack, which is used to melt or treat ferrous materials for production of castings.

"Air jets" means any apparatus operated by steam or compressed air or a mechanically driven blower for the purpose of causing high velocity air to be introduced into a furnace and to cause a more complete mixture of oxygen with the gases of combustion above the fuel bed.

"Air quality standard" means ambient air quality goal established for the purpose of protecting the public health and welfare.

"Animal and marine matter" means any product or derivative of animal life.

"ANSI" means American National Standards Institute or its successor bodies.

"Architectural coating" means any coating used for residential, commercial or industrial buildings and their appurtenances that is on-site applied.

"ARI" means Air Conditioned and Refrigeration Institute or its successor bodies.

"Asbestos" means a fibrous, rock-forming mineral including, but not limited to, such amphibole varieties as tremolite, actinolite, anthophllite, grunerite, richterite, edenite, amosite, crocidolite and such serpentine varieties as amianthus and chrysolite as well as synthetic asbestos fibers including, but not limited to fluor-tremolite, fluor-richerite and fluor-edenite.

"Ashes" means and includes cinders, fly ash or any other solid material resulting from combustion, and may include unburned combustibles.

"ASHRAE" means American Society of Heating, Refrigeration and Air Conditioning Engineers or its successor bodies.

"ASME" means the American Society of Mechanical Engineers.

"ASTM" means the American Society for Testing Materials or its successor bodies.

Atmosphere. See definition of "open air."

"Atmospheric pollution" means the discharging from stacks, chimneys, exhausts, vents, ducts, openings, buildings, structures, premises, open fires, portable boilers, vehicles, processes or any other source of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance or annoyance to the public or to endanger the health, comfort, repose, safety or welfare of the public or in such a manner as to cause or have a natural tendency to cause injury or damages to business or property.

"Atmospheric pollution source" means any and all sources of emission of atmospheric pollution, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, and heating power plants and stations, building and other structures of all types, including single and multiple-family residences, apartment houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages, vending and service locations or stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types both indoor and outdoor, refuse dumps and piles and all stack and other chimney outlets from any of the foregoing.

"Authorized representative" means any individual, firm or corporation designated by a "person," as defined in this section, who shall be given authority to act for such "person" in all matters pertaining to the department of the environment. Such authorization must be transmitted to such department in writing.

"Automobile and/or truck sales lot" means any land area used or intended to be used for the display or sale of passenger automobiles or commercial vehicles.

"Auxiliary fuel firing equipment" means equipment to supply additional heat, by the combustion of an auxiliary fuel, for the purpose of attaining temperatures sufficiently high (a) to dry and ignite the waste material, (b) to maintain ignition thereof, and (c) to promote complete combustion of combustible solids, vapors and gases.

"Baffling" means any row, rows, plane, planes or refractory or other material that causes the gases in a steam boiler or other vessel, duct or device to assume a definite or predetermined path of travel before reaching the chimney or smoke stack.

"Bessemer converters and pneumatic steelmaking processes" means processes by which steel is made directly from molten iron or scrap metal by forcing gases through or over the molten metal to oxidize and carry off the carbon and other impurities in the metal.

"Beverage equipment." See definition of "dairy equipment."

"Biweekly" means occurring every two weeks.

"Blast furnace and auxiliary equipment" means the furnace and equipment used in connection with the smelting process of reducing metallic ores to molten metal in order to remove, primarily, the oxygen from the ore and producing gas as a by-product. The furnace and equipment consists of, but is not limited to, the furnace proper, charging equipment, stoves, bleeders, gas dust catcher, gas cleaning devices and other auxiliaries pertinent to the process.

"Boiler burning fuel in suspension" means any fuel-burning device in which fuel is conditioned or pulverized previous to admitting the fuel into the furnace for combustion. The combustion process is completed with the fuel in suspension.

"Breeching" means any conduit for the transport of products of combustion or processes to the atmosphere or to any intermediate device before being discharged into the atmosphere. It does not include the chimney or stack.

"Bridgewall" means any wall at the rear of the gate or stoker that acts as a deflector or radiant heat reflector for the furnace gases and as a stop to the fuel bed or a rear wall of the ash pit.

"British thermal unit" means the quantity of heat required to raise one pound of water from 59 degrees Fahrenheit to 60 degrees Fahrenheit (abbreviated B.T.U. or BTU).

"Building fires." "A new fire being built" means the period during which a fresh fire is being started and does not mean the process of replenishing an existing fuel bed with additional fuel.

"Byproduct coke plant" means a plant used in connection with the distillation process to produce coke in which the volatile matter in

coal is expelled, collected and recovered. Such plant consists of, but is not limited to, coal and coke handling equipment, byproduct chemical plant and other equipment associated with and attendant to the coking chambers or ovens making up a single battery operated and controlled as a unit.

"Category of recyclable materials" means any of the following: newsprint; aluminum; steel and bimetallic cans; glass; plastics; office paper; low grade paper; cardboard and any other material designated by the commissioner by rule or regulation.

"Cell" means that portion of compacted solid wastes in a landfill that is enclosed by natural soil or cover material during a designated period. The volume of compacted solid waste enclosed by natural soil and/or cover material in a sanitary landfill.

"Chimney or stack" means any conduit, duct, vent, flue or opening of any kind whatsoever arranged to conduct any products of combustion to the atmosphere. It does not include breeching as defined herein.

"Cinders" means particles not ordinarily considered as fly ash or dust because of their greater size, consisting essentially of fused ash and unburned matter.

"Cleaning fires" means the act of removing ashes from the fuel bed or furnace.

"Closure plan" means a plan describing the proposed engineering and other technical measures to be undertaken to terminate operation of a site or facility, to render the site or facility stable and safe for the public health and welfare and the proposed utilization of the site after terminating use of the facility on the site such as a waste handling facility, as a sanitary landfill, resource recovery facility, recycling facility, composting facility or transfer station.

"COH/1,000 linear feet (coefficient of haze per 1,000 linear feet)" means a measure of the optical density of a filtered deposit of particulate matter as given in ASTM Standard D 1704-61:

TABLE INSET:
coh/1,000 linear feet =
(area tape ft2) (100,000)
log 100

(Vol. of air sample, ft3)
% transmission

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Combustible refuse" means any combustible waste material containing carbon in a free or combined state other than liquids or gases.

"Combustion equipment or device." See "Fuel-burning, combustion or process equipment or device."

"Commercial/retail waste" includes materials discarded by stores, offices, office buildings, restaurants, warehouses, wholesale establishments, non-manufacturing activities and other similar establishments or facilities.

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

"Condensed fumes" means fumes which have cooled and returned to a liquid or solid.

"Conservation vent valve" means a weight-loaded valve designed and used to reduce evaporation losses of volatile organic substances by limiting the amount of air admitted to or vapors released from the vapor space of a closed storage vessel.

"Construction" means the installation or erection of any fuel-burning combustion or process equipment or device.

"Construction and demolition debris" means materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring, and piping or metals incidental to any of those materials blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials.

"Control apparatus" means any device which prevents, eliminates or controls the emission of any air contaminant.

"Cover material" means soil or other suitable material that is used to cover compacted solid waste in a sanitary landfill.

"Criteria" means information used as guidelines for decisions when establishing air quality goals, air quality standards and the various air quality alert levels. In no case are criteria to be confused with air quality standards or goals.

"Cupola" means a vertical furnace in which alternate layers of basic material and coke are charged to produce molten ferrous and nonferrous metal for the production of castings. Auxiliary equipment consists of, but is not limited to blowers, charging mechanism, collection equipment, heat exchangers and slagging equipment.

"Dairy equipment, beverage equipment and food processing equipment" means that equipment used in the production of milk and dairy products, foods and beverages, including the processing, preparation or packaging thereof for consumption.

"Damper, automatic or manual" means any device for regulating the volumetric flow of gas or air.

"Decibel" means a unit for measuring the volume of a sound, equal to the logarithm of the intensity of the sound to the intensity of an arbitrarily chosen standard sound; abbreviated dB.

"Department" means department of the environment of the City of Chicago.*

"Detergent." See definition of "Synthetic detergent."

"Dispose" means to discharge, deposit, inject, dump, spill, leak or place any waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or be discharged into any water, including groundwaters.

"Domestic heating plant" means a plant generating heat for a single-family residence, or for two residences either in duplex or double-house form or for multiple-dwelling units in which such plant serves fewer than four apartments. Under this designation are also hot water heaters, stoves and space heaters used in connection with the foregoing establishments, or to heat shacks and other temporary buildings, such as used by the railroad and construction industries; provided, however, that like equipment used in multiple-dwelling units other than herein described, or used in permanent buildings of commercial or industrial establishments are not to be construed to be included under this designation.

"Domestic refuse-burning equipment" means any refuse-burning equipment or incinerator used for a single-family residence, or for two residences either in duplex or double house form or for multiple-dwelling units in which such equipment or incinerator serves fewer than four apartments.

"Down-draft furnace" means a furnace with two separate grates, one above the other; the top grate consists of water tubes, the bottom grate consists of common grate bars and is fed by half consumed fuel falling from the upper grate. The air for combustion enters the upper fire door and passes through the bed of green fuel on the upper grate and then over the incandescent fuel on the lower grate.

"Dryer" means a device for drying by heat, forced ventilation or both; an apparatus such as a furnace, oven or revolving kiln for expelling moisture or volatiles by evaporation or volatization.

"Dust" means particulate matter released into the air by natural forces, or any fuel-burning, combustion or process equipment or device, or by construction work, or by mechanical or industrial processes, such as crushing, grinding, filling, drilling, demolishing, shoveling, bagging, sweeping, covering, conveying, transferring, transporting and the like.

"Dust-separating equipment" means any device for separating dust from the air or gas medium in which it is carried.

"Electric furnace" means a furnace in which the melting and refining of metals is accomplished by means of electrical energy.

"Engineer" means the person who designed or is responsible for the design of the equipment and who conceived, developed, executed or who is responsible for the design or preparation of the plan documents. He shall be a registered professional engineer as defined in Illinois Professional Engineering Act approved July 20, 1945, as amended.

"Equipment." See definition of "Process or process equipment."
"Excess air" means that air supplied in addition to the theoretical quantity necessary for complete combustion of all fuel and/or combustible waste material present.

"Expansion" means, with respect to any sanitary landfill, an increase in the horizontal boundary and/or vertical boundary of the area permitted for disposal by the department of the environment which allows an increase of waste disposal capacity at the landfill. A change of the horizontal and/or vertical boundary that does not allow increased disposal capacity shall not be deemed an expansion.

"Extension furnace (dutch oven)" means any masonry structure or combination of masonry and metal built on the front of a boiler or other combustion device for the purpose of obtaining additional furnace volume.

"Final cover" means cover material that represents the permanently exposed final surface of a sanitary landfill.

"Fire tubes" means those tubes surrounded by a cooling medium through which the hot gases of combustion pass.

"Fluctuating noise" means a noise whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.

"Fly ash" means particulate matter capable of being gasborne or airborne and consisting essentially of fused ash and burned or unburned material.

"Food processing equipment." See definition of "dairy equipment."

"Food service establishment" means any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, roadside stand, industrial feeding establishment, private, public or nonprofit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food is placed for sale or served on the premises or elsewhere and any other eating or drinking establishment or operation where food is served or provided for the public, with or without charge.

"Foundries, ferrous and nonferrous" means the processes, devices and equipment used for the purpose of production of castings, other than die-castings, from basic material. Such processes, devices and equipment consist of, but are not limited to, charging equipment, furnaces, collection equipment and cleaning operations. Basic materials used include, but are not limited to, iron, brass, aluminum and magnesium.

"Fuel" means any form of combustible matter, solid, liquid, vapor or gas.

"Fuel-burning, combustion or process equipment or device" means any furnace, incinerator, compactor, fuel-burning equipment, refuse-burning equipment, boiler, apparatus, device, mechanism, fly ash collector, electrostatic precipitator, smoke arresting or prevention equipment, stack, chimney, breeching or structure, used for the burning of fuel or other combustible material, or for the emission of products of combustion or used in connection with any process which generates heat and may emit products of combustion; and shall include process furnaces, such as

heattreating furnaces, byproduct coke plants, coke-baking ovens, mixing kettles, cupolas, blast furnaces, open hearth furnaces, heating and reheating furnaces, puddling furnaces, sintering plants, Bessemer converters, electric steel furnaces, ferrous foundries, nonferrous foundries, kilns, stills, dryers, roasters and equipment used in connection therewith and all other methods or forms of manufacturing, chemical, metallurgical or mechanical processing which may emit smoke or particulate, liquid, gaseous or other matter.

"Fuel dealer" means any person who sells or delivers solid fuel or fuel oil directly to the ultimate consumer, without regard to price, quantity or frequency of delivery.

"Fuel oil" means oil commonly used as a fuel.

"Fumes" means gases, vapors or particulate matter that are of such character as to cause atmospheric pollution.

"Furnace" means an enclosed space provided for the ignition or combustion of fuel.

"Furnace volume" means the volume of the chamber or enclosure in which the combustion process takes place.

"Garbage" means waste resulting from the handling, processing, preparation, cooking and consumption of food or wastes from the handling, processing, storage and sale of produce.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum recommended loaded weight of a single vehicle.

"Ground or comminuted garbage" means wastes from the preparation, cooking and dispensing of foods that have been comminuted to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Hazardous substance" means (a) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended, (c) any hazardous waste, (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act (P.L. 95-95), as amended, (e) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act (P.L. 94-469), as amended. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (e) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixtures of natural gas and such synthetic gas.

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed, or which has been identified by characteristics or listing as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P. L. 94-580 as amended, or pursuant to regulations promulgated by the Illinois Pollution Control Board.

"Heating and reheating furnace" means a furnace in which metal is heated to permit shaping or forming or to achieve specific physical properties.

"Heating boiler" means a boiler in which the steam or vapor pressure is not more than 15 pounds per square inch above atmospheric pressure or at a temperature not exceeding 250 degrees Fahrenheit. (This includes steam heating, hot water heating and hot water supply boilers which are directly fired with oil, gas, electricity or coal and for operations at or below the pressure and temperature limits set forth in Section 4 of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.)

"Heating surface" means any surface having steam, water or other fluid on one side and hot gases on the other side as found in a boiler or a warm air heating furnace not excepting any surface covered by arches or refractory.

"Heating value" means the heat released by combustion of one pound of waste or fuel measured in BTU's on an as-received basis. For solid fuels the heating value shall be determined using ASTM Standard D 2015-66.

"High pressure boilers." See "power boilers."

"Household waste" means any solid waste (including garbage, trash and sanitary waste in septic tanks) derived from households (including single and multiple residences, apartment buildings and complexes, hotels, motels, and other similar permanent or temporary housing, picnic grounds, campgrounds and day-use recreation areas).

"Impulsive noise" means impulsive noise as characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one second.

"Incinerator" means an enclosed device using controlled flame combustion designed for high temperature operation in which combustible wastes are ignited and burned efficiently so that the solid residues contain little or no combustible materials.

"Including" shall be construed as a term of enlargement and not a term of limitation or enumeration.

"Indirect heat exchanger" means equipment in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other indirect heating liquids, gases or solids, in which the products of combustion do not come into direct contact with process

materials. Fuels may include, but are not limited to coal, coke, lignite, coke breeze, gas, fuel oil and wood but do not include refuse. When any products or byproducts of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum limitations shall be governed by the most stringent limitation when refuse burning and indirect heat exchanger emissions are both considered.

"Industrial cleaning equipment" means machinery and other tools used in cleaning processes during the course of industrial manufacturing, production and assembly.

"Industrial lunchroom and office waste" includes corrugated boxes, plastic film, wood pallets, office papers and lunchroom wastes.

"Industrial process waste" means any liquid, solid, semisolid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste.

"Industrial process waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysis distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction of demolition debris.

"Inedible rendering process." The provisions of this chapter shall not apply to any device, machine, equipment or other contrivance used exclusively for the processing of food for human consumption and to food service establishments.

"Institutional waste" includes materials discarded by schools, libraries, hospitals (non-medical materials), and by non-manufacturing activities at prisons and government facilities, and other similar establishments or facilities.

"Intercepting sewer" means any sewer built or maintained by the Metropolitan Water Reclamation District for the purpose of receiving sewage or combined sewage and storm flow from one or more local sewers.

"Intermittent noise" means a noise whose sound pressure level equals the ambient environmental level two or more times during the period of observation. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of one second or more.

"Internal combustion engine" means an engine in which combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders.

"IEC" means International Electrotechnical Commission or its successor bodies.

"ISO" means International Organization for Standardization or its successor bodies.

"Kiln" means a furnace or a heated chamber used for the purpose of hardening, burning or drying in the manufacturing of such products as clay, brick, cement, pottery, ceramics, limestone, etc.

"Landscape waste" means grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

"Leachate" means any liquid, including any suspended components in the liquid, that come in contact with, percolate through, or are drained from wastes materials.

"Liquid waste handling facility" means a facility which treats, disposes of or otherwise manages liquid waste, liquid special waste or liquid hazardous waste.

"Liquid wastes" means refuse which maintains the physical state of continuous volume relatively independent of pressure and which takes the shape of its container at ambient temperature.

"Low density dwelling" means a residential building which receives solid waste collection service from the City of Chicago.

"Low pressure boilers." See "heating boilers."

"Machine dishwasher" means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperatures.

"Manufacturing process" means any action, operation or treatment embracing chemical, industrial manufacturing or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digestors, towers, washers, scrubbers, mills, condensers or absorbers.

"Maximum allowable emission rate" means the maximum amount of an air contaminant which may be emitted into the outdoor air during any prescribed interval of time.

"Mechanical combustion equipment or mechanically fired apparatus" means fuel-burning, combustion or process equipment or devices in which the fresh fuel or combustion material is mechanically introduced from outside the furnace into the zone of combustion, the same being actuated by controls; provided, however, that where the commissioner finds as a fact and so certifies that any surface-burning type (hand-fired) equipment is so designed as automatically to burn the fuel or combustible materials in a manner not to violate the provisions of this chapter, such equipment will be considered as mechanical combustion equipment or mechanically fired apparatus within the meaning of this chapter.

"The Metropolitan Water Reclamation District" means the municipal corporation organized and existing under the laws of the State of

Illinois enacted by the Illinois State Legislature July 1, 1889, entitled "An Act to Create Sanitary Districts and to Remove Obstructions in the Des Plaines and Illinois Rivers" as amended.

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

"Motor-driven cycle" means every motorcycle, every motor scooter, or every bicycle with motor attached with less than 150 cubic centimeter piston displacement.

"Motor vehicle" means any passenger vehicle, truck, truck-trailer or semitrailer propelled or drawn by mechanical power.

"Municipal waste" means garbage, household waste, commercial/retail waste, institutional waste, industrial lunchroom and office waste, landscape waste, and construction or demolition debris.

"Municipal waste incinerator" means a combustion apparatus in which municipal waste is burned.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water.

"New equipment" means equipment, the design of which was less than 50 percent completed on July 1, 1970.

"Noise disturbance" means any sound which (1) is heard at a distance of 600 feet or more from the point of generation; or (2) generates a sound pressure level on the public way exceeding 80 dB(A) when measured at a distance of ten feet or more from the source.

"Non-steady noise" means a noise whose level shifts significantly during the period of observation.

"Noxious acids" means anhydrous or hydrous acid forms in concentration high enough to be toxic, to cause atmospheric pollution or to constitute a nuisance as defined in this chapter.

"Odor concentration" means the number of cubic feet that one cubic foot of sample will occupy when diluted to the odor threshold. It is a measure of the number of odor units in one cubic foot of the sample. It is expressed in odor units per cubic foot.

"Odor nuisance" means any noxious odor in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to health, or to property or to unreasonably interfere with the enjoyment of life or property.

"Odor unit" means one cubic foot of air at the odor threshold.

"Oil-effluent water separator" means any tank, box sump or other container or group of such containers in which any organic material floating on, entrained or contained in water entering such containers is physically separated and removed from such water prior to the exit from the container of such water.

"Open burning" means the combustion of any matter in the open or in an open dump.

"Open dumping" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

"Owner or operator" means any person who has legal title to any premises, who has charge, care or control of any premises, who is in possession of the premises or any part thereof, or who is entitled to control or direct the management of the premises.

"Particulate matter" means material, other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid.

"Period of observation" means the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least ten times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.

"Person" means any individual natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal, state or local government, contractor, supplier, vendor, installer, operator, user or owner, or any officers, agents, employees, factors, or any kind of representatives of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law, or other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

"Phosphorus." See definition "Polyphosphate builder."

"Pollution" means the disposition, discharge emission or release of any material into the environment to the detriment or threat to the public health, safety or welfare. When used in reference to water, pollution means the discharge or deposit into waters of sewage, industrial wastes or other wastes containing soluble or insoluble solids of organic or inorganic nature which may deplete the dissolved oxygen content of such waters, contribute settleable solids that may form sludge deposits, contain oil, grease or floating solids which may cause unsightly appearance on the surface of such waters, or contains soluble material detrimental to aquatic life, all beyond the content of such like substances present in an equal volume of the effluent discharge from the sewage treatment works of the Metropolitan Water Reclamation District into similar receiving waters.

"Polyphosphate builder or phosphorus" means a water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, triphosphates, tripolyphosphates, metaphosphates and glassy phosphates, used as a detergent ingredient, but shall not include polyphosphate builders or phosphorus which is essential for medical, scientific or special engineering used under such conditions and regulation as may be

prescribed by the commissioner of the environment.

"Portable boiler" means a boiler used separately or in connection with a power shovel, a road roller, a hoist, a derrick or a pile driver, steam locomotives, diesel locomotives, steamboats, tugboats, tar kettles, asphalt kettles, all other portable equipment capable of emitting smoke, particulate or other matter.

"Post-collection separation" means a process that separates or classifies solid waste after the point of collection and recovers recyclable materials that can be returned to the economic mainstream in the form of raw materials for new, reused or reconstituted products which meet the quality standards of the marketplace.

"Post-consumer material" means products generated by a business or a consumer which have served their intended uses and which have been separated or diverted from solid waste for purposes of collection, recycling and disposition.

"Power boilers" means boilers in which the steam or vapor pressure is more than 15 pounds per square inch above atmospheric pressure. Power boilers also include electric boilers, miniature boilers, high temperature boilers and organic fluid boilers, in which the temperature exceeds 250 degrees Fahrenheit as set forth in Section 1 of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

"Premises" means any real estate or real property.

"Pressure tank" means a tank in which fluids are stored at a pressure greater than atmospheric pressure.

"Processes or process equipment" means any action, operation or treatment embracing chemical, industrial or manufacturing factors, such as heattreating furnaces, byproduct coke plants, coke-baking ovens, mixing kettles, cupolas, blast furnaces, open hearth furnaces, heating and reheating furnaces, puddling furnaces, sintering plants, Bessemer converters, electric steel furnaces, ferrous and nonferrous foundries, kilns, industrial waste treatment systems, stills, dryers, roasters and equipment used in connection therewith, and all other methods or forms of manufacturing or processing which may emit smoke, particulate matter, other matter or other waste.

"Process weight rate" means the actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours of operations excluding any time during which the equipment is idle. For continuous processes, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours in one complete operation, excluding any time during which the equipment is idle.
"Public nuisance." A violation of any emission limitation, performance standard or permit requirement set forth in this chapter shall be deemed and is hereby declared to be a public nuisance and as such is subject to be summarily abated as provided for in Section 11-4-030(17). Such abatement may be in addition to the administrative proceedings, fines and penalties herein provided.

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

"Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB center frequencies of 500 Hz and above, and by eight dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz.

"Recommended use level" means the amount of synthetic detergent or detergent which the manufacturer thereof recommends for use per wash load, at which said synthetic detergent or detergent will effectively perform its intended function.

"Reconstruction" means any material change or alteration of any existing fuel-burning combustion or process equipment or device from the physical or operating condition for which approval was last obtained: or the addition, removal or replacement of any appurtenances or devices which materially affect the method or efficiency of preventing the discharge of pollutants into the atmosphere.

"Recyclable material" means any aluminum or scrap, bimetal or tin cans, glass and paper products, rubber, textiles, wood, landscape waste or plastic products such as polyethylene terphlate, high-density polyethylene, low-density polyethylene, polystyrene or polypropylene and any other material designated by the commissioner by rule or regulation.

"Recycle" or "recycling" means any process by which materials that would otherwise become municipal waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials for new, reused or reconstituted products, but does not include the recovery of materials for fuel in combustion or energy production processes.

"Recycled content" means goods, supplies, equipment, materials and printing containing secondary materials.

"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.

"Refuse" means garbage and rubbish.

"Regular recycling service" means the recycling of at least four categories of recyclable materials by one or more of the following source separation and collection methods:

(1) At least biweekly alley or curbside collection of recyclable materials by the City of Chicago, a private for-profit operation or a nonprofit operation;

(2) Drop-off facilities or sites arranged in a network easily accessible and convenient to residents served; and/or

(3) A buyback center within one mile of any low-density building not receiving collection or drop-off service.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those items are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and (d) the normal application of fertilizer.

"Remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or welfare of the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations repair or replacement of leaking containers, collection of leachate, and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where it is determined that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term includes offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances, or contaminated materials.

"Removal" or "removal action" means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor, assess and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare of the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals, and any emergency assistance which may be provided under the Illinois Emergency Services and Disaster Agency Act of 1975, as amended, or any other law.

"Rendering" means any heating process, including cooking, drying, dehydrating, digesting, evaporating, leaving protein concentrations of animal or marine matter.

"Resource recovery facility" means a facility using nonhazardous solid waste as fuel in a process specifically designed for the purpose of waste disposal, waste processing or volume reduction and which produces thermal energy or electricity as a by-product.

"Ringelmann Chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

"Roaster" means a device used to effect the expelling of volatile matter or to effect oxidation as required in the manufacturing of such products as prepared meats, grain, coffee beans, nuts, etc.

"RPM" means the engine crankshaft revolutions per minute.

"SAE" means Society of Automotive Engineers or its successor bodies.

"Sandblasting" means the abrasive cleaning of any architectural surface with the use of sand, shot, chemical processes or other grit removing substances.

"Sanitary landfill" means a facility originally permitted under this chapter and operating prior to January 1, 1985, and permitted by the Illinois Environmental Protection Agency for the disposal of waste on land without creating nuisances or hazards to public health.

"Secondary material" means any material recovered from or otherwise destined for the waste stream, including, but not limited to, post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process.

"Sewage" means a combination of water-carried wastes from residences, business buildings, institutional and industrial establishments, together with such ground surface and stormwaters as may be present.

"Sewage system" means any network of sewers and appurtenances for collection, transportation and pumping of sewage and industrial wastes.

"Sewage treatment works" means the arrangement of devices and structures for treating sewage and industrial wastes.

"Sewage works" means all facilities used for collecting, pumping, treating and disposing of sewage and industrial wastes.

"Sewer" means any pipe or conduit for carrying sewage or other waste liquids.

"Sintering plant" means the plant used in connection with the

process of fusing fine particles of metallic ores causing agglomeration of such particles. Such plants consist of, but are not limited to, sintering machines, handling facilities, wind boxes, stacks and other auxiliaries pertinent to the process.

"Smoke" means small gas-borne particles other than water that form a visible plume in the air from a source of atmospheric pollution.

"Smoke monitor" means a device using a light source and detector which can automatically measure and record the light-obscuring power of smoke at a specific location in the flue or stack of a source. Measuring and recording to be at intervals of not less than 15 seconds.

"Solid fuel" means any material in its solid state capable of being consumed by combustion process.

"Solid waste" means waste.

"Soot" means agglomerated particles consisting essentially of carbonaceous material.

"Sound amplification device" means any electrically operated or battery-operated device, the principal purpose of which is to amplify or produce sound.

For air-borne sound, "sound level (noise level)" means a weighted sound pressure level, obtained by the use of metering characteristics and the A-weighting as specified in the reference standards ANSI S1.4, Section 3.1.3. When the A-weighting is employed, it must be indicated.

"Sound Pressure Level." The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base of ten of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective (rms) pressure is to be understood. The reference sound pressure is 20uN/m2.

"Spark-ignition powered motor vehicle" means a vehicle which is self-propelled by a spark ignition type of internal combustion engine, which includes, but is not limited to, engines fueled by gasoline, propane, butane and methane compounds.

"Special waste" means any industrial process waste, pollution control waste or hazardous waste, as defined in regulations issued by the Illinois Pollution Control Board.

"Stack or chimney" means a flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

"Stack spray" means a nozzle or series of nozzles installed in a stack above the breeching used to inject wetting agents at high pressure to suppress the discharge of particulate matter from the stack.

"Standard conditions" means a gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 inches mercury.

Standard Cubic Foot (scf). The standard cubic foot is a measure of the volume of gas under standard conditions.

"Steady noise" means a noise whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation is steady noise.

"Storage," when used in connection with any waste material, means the containment of such waste on a temporary basis.

"Storm sewer" means any pipe or conduit which carries storm surface water and drainage but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters.

"Submerged loading pipe" means any loading pipe the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the tank. When applied to a tank which is loaded from the side, any loading pipe the discharge of which is entirely submerged when the liquid level is 18 inches or two times the loading pipe diameter, whichever is greater, above the bottom of the tank. This definition shall also apply to any loading pipe which is continuously submerged during loading operation.

"Synthetic detergent or detergent" means any cleaning compound which is available for household use, laundry use, other personal uses or industrial use, which is composed of organic and inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders, fillers, dyes, enzymes and fabric softeners, whether in the form of crystals, powders, flakes, bars, liquid sprays or other form.

"Toxic substances" means any substance whether gaseous, liquid or solid which when discharged into the sewer system in sufficient quantities will interfere with any sewage treatment process, or will constitute a hazard to human beings or animals, or will inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment works of the Metropolitan Water Reclamation District.

"Trade secret" means any scientific or technical information, design, process, procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value.

"Transfer station" means a site or facility that accepts waste for sorting and/or consolidation, and for further transfer to a waste disposal, treatment, or handling facility.

"Treatment" means any method, technique or process designed to change the physical, chemical or biological character or composition of any waste so as to neutralize such waste, or to render such waste nonhazardous, safer for transport, amenable for recovery, or reduced in volume.

"True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss From Floating Roof Tanks, 1962.

"Unfired pressure vessel" means any tank or pressure vessel used

to contain air, water or other substance under pressure, except tanks containing only water under pressure in the city mains, unless otherwise prescribed in other sections in the building provisions of this Code.

"Unit operation" means methods where raw materials undergo physical change; methods by which raw materials may be altered into different states, such as vapor, liquid or solid without changing into a new substance with different properties and composition.

"Unit process" means reactions where raw materials undergo chemical change, where one or more raw materials are combined and completely changed into a new substance with different properties and composition.

"Vehicle" means a self-propelled over-the-road mechanism such as a truck, machine, tractor, roller, derrick, crane, trencher, portable hoisting engine or automobile, or any conveyance used for carrying persons or things, trailer, semitrailer, boat, tug or other apparatus which is not ordinarily permanently installed in one location but is used in various places over a wide area, except electrically powered vehicles.

"Waste" means any discarded or abandoned material in solid, semisolid, liquid or contained gaseous form, including but not limited to, industrial process waste, hazardous waste, municipal waste, special waste, garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, but excludes:

(1) Sewage collected and treated in a municipal or regional sewage system; or

(2) Recyclable materials managed in compliance with the provisions of this chapter and regulations of the City of Chicago.

"Watercourse" means any channel, natural or artificial, whether lined or unlined for drainage of stormwater, groundwater or clear water.

"Waters" means all waters of any river, stream, watercourse, pond or lake wholly or partly within or adjoining the territorial boundaries of the City of Chicago.

"Zoning district" means those districts established by the City Zoning Ordinance (Title 17 of this Code).

(Prior code § 17-1.11; Amend Coun. J. 1-27-88, p. 10081; Amend Coun. J. 3-8-89, p. 25433; Amend Coun. J. 9-13-89, p. 4604; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 1-12-95, p. 65073; Amend Coun. J. 10-7-98, p. 78812; Amend Coun. J. 7-19-00, p. 38293, § 2)

Note: See Section 11-4-020. Article III of Chapter 11-4 enforced by department of buildings.

11-4-130 Permit fees.

Fees for the inspection of plans and issuance of permits for the installation, erection, construction, reconstruction, alteration of, or addition to any facility required to obtain a permit for operation under this chapter shall be as follows:

Filing fee for the evaluation of plans of steam boilers, unfired pressure vessels, fuel or refuse-burning equipment, compactors, combustion or process equipment or devices or installation of apparatus or devices for the prevention or arresting of the discharge of smoke, particulate, liquid, gaseous or other matter . . . $20.00

Permits for the installation, erection, construction, reconstruction, alteration of, or addition to any boiler, fuel-burning combustion or process equipment or device, dustloading device or chimney.
Boilers, fuel-burning equipment used for space heating, steam and hot water generation for each unit:
Of a capacity of less than 288,000 BTU/hr. net output rating of boiler or furnace . . . 40.00
Of a capacity of 288,000 BTU/hr. and less than 960,000 BTU/hr. net output rating of boiler or furnace . . . 50.00
Of a capacity of 960,000 BTU/hr. and less than 2,880,000 BTU/hr. net output rating of boiler or furnace . . . 60.00
Of a capacity of 2,880,000 BTU/hr. or more net output rating of boiler or furnace . . . 150.00
Refuse-burning equipment, for each unit:
With less than five square feet of grate area . . . 20.00
With five square feet and less than ten square feet of grate area . . . 40.00
With ten square feet and less than 15 square feet of grate area . . . 40.00
With 15 square feet and less than 20 square feet of grate area . . . 60.00
With 20 or more square feet of grate area . . . 70.00
Per one unit operation of one unit process creating atmospheric pollution or any device controlling atmospheric pollution or any compactor . . . 40.00

Certificate of operation fee:

An annual flat fee on stationary emission sources, which shall be known as a certificate of operation fee, shall be levied according to a modified version of the Illinois Environmental Protection Agency surveillance classification system used by the department as follows:
A-1 source (any stationary source whose actual emissions or potential emissions while operating at design capacity are equal to or exceed 100 tons per year of any pollutant) . . . 1,250.00
A-2 source (any stationary source whose uncontrolled emissions while operating at the design capacity are equal to or exceed 100 tons per year for any regulated pollutant but whose actual emissions are less than 100 tons per year) . . . 750.00
B source (any stationary source whose uncontrolled emissions are less than 100 tons per year) . . . 250.00
C source (any stationary source whose actual emissions are less than ten tons per year) . . . 50.00
Sandblasting, grinding or chemical washing:
The fee for a permit to sandblast, grind or chemically wash any building, structure, statue or other architectural surface shall be $200.00 per building, structure, statue or other architectural surface. The permit fee shall be waived for any unit of federal, state or local government.
Sanitary landfill:
Annual Permit Fee:

25-acre tract or less . . . $10,000.00
More than 25 acres but less than 50 . . . 20,000.00
50 acres or more but less than 75 acres . . . 30,000.00
75 acres or over . . . 40,000.00
Resource recovery facility or solid waste incinerator:
Design capacity of 250 tons per day or less . . . $5,000.00
Design capacity of more than 250 tons per day but less than 750 tons per day . . . 10,000.00
Design capacity of more than 750 tons per day but less than 1,250 tons per day . . . 20,000.00
Design capacity of more than 1,250 tons per day . . . 25,000.00
The City of Chicago shall be exempt from payment of such fees.
Unfired pressure vessels:
For each unfired pressure vessel . . . $50.00
Liquid waste handling facility fees:
New or existing facility . . . $15,000.00
Transfer station fees:
New or existing facility . . . $10,000.00

(Prior code § 17-1.12; Amend Coun. J. 12-18-86, p. 38637; Amend Coun. J. 3-8-89, p. 25433; Amend Coun. J. 3-29-89, p. 26806; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 11-17-93, p. 42192; Amend Coun. J. 9-1-99, p. 10096, § 3; Amend Coun. J. 6-7-00, p. 34984, § 2; Amend Coun. J. 12-4-02, p. 99931, § 8.1; Amend Coun. J. 12-15-04, p. 39840, § 1)

11-4-140 Fee on generation of liquid waste.

(a) On and after October 1, 1999, a fee is imposed on the generation of liquid waste that is generated within the corporate limits of the city. The liquid waste generator, as defined herein, shall submit the fees directly to the department.

(b) For purposes of this section, the term "liquid waste" means any discarded or abandoned material which maintains the physical state of continuous volume relatively independent of pressure and which takes the shape of its container at ambient temperature.

(c) For purposes of this section, the term "liquid waste generator" means any natural individual, person, corporation, partnership, trust, association, limited liability company, joint venture, foundation or other legal entity that generates liquid waste and meets one or both of the following criteria:

(1) the liquid waste is designated pursuant to Section 5/3.45 of the Illinois Environmental Protection Act as "special waste," and is containerized and transported off-site;

(2) the liquid waste has the potential to adversely impact the public health, safety or welfare of the citizens of Chicago as determined by the commissioner pursuant to Section 2-30-030 of this Code.

(d) The fee imposed on each liquid waste generator for the generation of liquid waste as defined in Section 11-4-140(c)((1) and (c)(2) shall be $0.025 per gallon generated for generation equivalent to 360 gallons or more per reporting period.

(e) Each liquid waste generator shall submit periodic reporting statements to the department, on forms supplied by the department, certifying the quantities of liquid waste generated during the reporting period. The reporting period shall be January 1--December 31. Such reports, together with the fee attributable to the liquid waste generated during the reporting period, shall be submitted within 30 days of the last day of the reporting period.

(f) Every liquid waste generator shall be subject to periodic audits by the department to assess compliance with the requirements of this section. The department shall have the authority and the right to corroborate quantities of liquid waste reported to the department with quantities reported to the Illinois Environmental Protection Agency.

(g) Any person who violates any provision of this section shall be fined not less than $500.00 and not more than $1,000.00 for each offense.

(h) Notwithstanding any other provision of this section, generators of liquid waste who are governmental bodies are exempt from the fees and reporting requirements imposed by this section.

(i) Notwithstanding any other provision of this section, any facility that is issued a permit to operate as a liquid waste handing facility pursuant to Section 11-4-1525 of this Code is exempt from the fees and reporting requirements imposed by this section.

(j) The commissioner is empowered to grant exemptions pursuant to Section 2-30-030 of this Code relating to the collection of any fees authorized by this section.

(Prior code § 17-1.12.1; Added Coun. J. 12-18-86, p. 38637; Amend Coun. J. 9-1-99, p. 10082, § 2; Amend Coun. J. 7-19-00, p. 38286, § 1)

11-4-141 Surcharge on disposal of waste.

A. A surcharge is imposed upon the disposal of solid waste at any solid waste disposal facility within the corporate boundaries of the city. The owner or operator of each solid waste disposal facility permitted under this chapter shall pay the surcharge pursuant to the following schedule:

1. $0.60 per cubic yard if more than 150,000 cubic yards of nonhazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Illinois Weights and Measures Act (225 ILCS § 470/1, et seq.) in which case the fee shall be $1.27 per ton of solid waste permanently disposed of at the site in a calendar year.

2. $33,350.00 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

3. $15,500.00 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

4. $4,650.00 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

5. $650.00 if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

B. The commissioner shall establish rules and regulations relating to the collection of the surcharge required to be paid by this section.

C. The permanent disposal or transport of solid waste which meet the criteria set forth in 415 ILCS § 5/22.16, 5/22.16(a) or 5/22.15(k) (1994) shall be exempt from the surcharge imposed by this section, except that the surcharge imposed under this section shall be applicable to the permanent disposal of solid waste under any contract lawfully executed prior to June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State of Illinois under 415 ILCS § 5/22.15(b) pursuant to an exemption granted under 415 ILCS § 5/22.16.

(Added Coun. J. 3-6-96, p. 17622)

11-4-142 Fee on new tires.

(a) When any of the following words or terms are used in this section, whether or not capitalized, and whether used in a conjunctive or connective form, they shall have the meaning ascribed to them below:

(1) "Department" shall mean the department of revenue of the city or its authorized designee.

(2) "Director" shall mean the director of revenue or his or her authorized designee.

(3) "Reprocessed tire" means a used tire that has been recapped, retreaded, or regrooved and that has not been placed on a vehicle wheel rim.

(4) "Sale at retail" shall mean sale at retail as that term is defined in the Illinois Retailers' Occupation Tax Act, as amended, 35 ILCS 120/1 and following.

(b) On and after July 1, 2005, any person selling new tires at retail or offering new tires for retail sale in the city shall collect from retail customers a fee of $1.00 per new tire sold at retail and delivered in the city to be paid to the department, less a collection allowance of four cents per tire to be retained by the retail seller. The requirements of this subsection shall apply exclusively to the sale of tires to be used for vehicles defined in Section 1-217 of the Illinois Vehicle Code, aircraft tires, special mobile equipment, and implements of husbandry.

(c) The requirements of subsection (b) shall not apply to:

(1) mail order sales;

(2) tires sold as a part of the retail sale of a motor vehicle; or

(3) the sale of used or reprocessed tires.

(d) The proceeds of the fee imposed by this section shall be paid into the treasury of the city, and shall be credited to and deposited in an account to be kept in the corporate fund of the city, for the exclusive purpose of paying costs incurred in connection with the city's regulation of used tires and their effects.

(e) Retailers shall collect the fee from the purchaser by adding the fee to the selling price of the tire. The fee imposed by this section shall be stated as a distinct item separate and apart from the selling price of the tire. The fee imposed by this section, and any such fees collected by a retailer, shall constitute a debt owed by the retailer to the city.

(f) Each retailer of tires maintaining a place of business in the city shall pay or remit the fee imposed by this section to the department in accordance with either Section 3-4-187 (for payment of actual fee liabilities) or Section 3-4-188 (for payment of estimated amounts) of this Code.

(g) A fee return shall be required whereon annual fee activity is reported to the department. Such returns shall be filed with the department on an annual basis on or before August 15 of each year in accordance with Sections 3-4-186 and 3-4-189 of this Code. Each return shall state:

(1) the name of the retailer;

(2) the address of the retailer's principal place of business;

(3) total number of non-exempt new tires sold at retail and delivered in the city for the preceding calendar quarter;

(4) the amount of fees due; and

(5) such other information as the department may reasonably require.

(h) Every person required to pay or remit the fee to the department shall keep accurate and complete books and records of its business or activity, including original source documents, such as purchase orders, invoices and receipts, and other documents listing, summarizing or pertaining to the transactions that gave rise, or may have given rise, to the fee liability or exemption that may be claimed. All such books, records and accounts shall be available for inspection by the department at all reasonable times during business hours of the day.

(i) Whenever not inconsistent with the provisions of this section, the provisions of the Uniform Revenue Procedures Ordinance, Chapter 3-4 of this Code, as amended, shall apply to and supplement this section, notwithstanding that the fee imposed by this section is not a revenue measure.

(j) The department may adopt and enforce such reasonable rules and regulations relating to the administration and enforcement of the fee imposed by this section as may be deemed expedient.

(k) The director is hereby authorized to enter into an intergovernmental agreement with the Illinois Department of Revenue, for the Illinois Department of Revenue to collect the fee imposed by this section, and to administer and enforce the

provisions of this section, and pursuant to such terms and conditions as are customary in such agreements.

(l) Any person who violates any provision of this section shall be fined not less than $500.00 and not more than $1,000.00 for each offense.

(m) If any provision of this section, the application of any provision of this section or the imposition of this fee on any particular transaction, person or item of tangible personal property is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this section or their application to other transactions, persons or items of tangible personal property. It is the express intention of the city council that each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this section. It is also the express intention of the city council that if any exemption contained in this section is held unconstitutional or otherwise invalid, then this section shall be applied as if such exemption had not been enacted.

(Added Coun. J. 12-15-04, p. 39833, § 3)

11-4-150 Environmental control fund.

There is hereby created within the city treasury a special fund to be known as the "liquid waste management fund" constituted from the fees and fines collected pursuant to Section 11-4-140. The fund is to be utilized for the regulation of liquid waste, including monitoring, planning, inspecting, providing technical assistance, and enforcing rules, regulations and ordinances with respect to the management, transportation, disposal, recycling and characterization of liquid waste. This includes hazardous materials incidents, leaking underground storage tanks and liquid waste handling facilities.

(Prior code § 17-1.12.2; Amend Coun. J. 12-18-86, p. 38637; Amend Coun. J. 9-1-99, p. 10082, § 2)

11-4-160 Original inspection fees.

Fees shall be as follows for the examination or inspection of any new or reconstructed steam boiler, unfired pressure vessel, fuel or refuse-burning equipment, compactors, combustion or process equipment or device after its erection or reconstruction and before its operation and maintenance.

Boiler, fuel-burning equipment used for space heating, steam and hot water generation for each unit:

TABLE INSET:

Conversion of Fuel-Burning Equipment
New Boiler and Fuel-Burning Equipment

Of a capacity of less than 288,000 BTU/hr. net output rating of boiler or furnace
$30.00
$40.00

Of a capacity of 288,000 BTU/hr. and less than 960,000 BTU/hr. net output rating of boiler or furnace
50.00
60.00

Of a capacity of 960,000 BTU/hr. and less than 2,880,000 BTU/hr. net output rating of boiler or furnace
70.00
80.00

Of a capacity of 2,880,000 BTU/hr. or more net output rating of boiler or furnace
90.00
110.00

A permit is required for alteration of boilers or unfired pressure vessels but no fee shall be paid.

Refuse-burning equipment for each unit:
With less than five square feet of grate area . . . $ 30.00
With five square feet and less than ten square feet of grate area . . . 50.00
With ten square feet and less than 15 square feet of grate area . . . 70.00
With 15 square feet and less than 20 square feet of grate area . . . 90.00
With 20 or more square feet of grate area . . . 110.00
Per one unit operation or one unit process creating atmospheric pollution or any device controlling atmospheric pollution or any compactor . . . 30.00

Unfired pressure vessels:
For each unfired pressure vessel . . . 50.00

(Prior code § 17-1.13; Amend Coun. J. 3-29-89, p. 26806; Amend Coun. J. 11-17-93, p. 42192)

11-4-170 Periodic inspection fees.

Fees shall be as follows for the periodic inspection of steam boilers, unfired pressure vessels, fuel or refuse-burning equipment, compactors, combustion or process equipment or devices, boilers, fuel-burning equipment used for space heating, steam and hot water generation for each unit:

Of a capacity of 288,000 BTU/hr. and less than 2,400,000 BTU/hr. net output rating of boiler or furnace . . . $50.00

Of a capacity of 2,400,000 BTU/hr. and less than 6,000,000 BTU/hr. net output rating of boiler or furnace . . . 75.00
Of a capacity of 6,000,000 BTU/hr. or more net output rating of boiler or furnace . . . 85.00

Refuse-burning equipment for each unit:
With less than seven square feet of grate area . . . 20.00
With seven square feet and less than 20 square feet . . . 30.00
With 20 square feet and less than 50 square feet . . . 34.00
With 50 square feet or more of grate area . . . 39.00
Per one unit operation or one unit process creating atmospheric pollution or any device controlling atmospheric pollution or any compactor . . . 20.00

Unfired pressure vessels:

For each unfired pressure vessel less than 18 inches in diameter . . . 45.00

For each unfired pressure vessel 18 inches or more in diameter and less than 36 inches in diameter . . . 55.00

For each unfired pressure vessel 36 inches or more in diameter . . . 65.00

Saturday, Sunday and holiday inspection:

A fee of $160.00 per inspectional visit will be charged when any boiler inspection is made on a Saturday, Sunday or a legal holiday.

Boiler reinspection fee:

The fee set forth in Section 13-20-051 will be charged for each reinspection of a boiler or other apparatus made at any site.

(Added Coun. J. 12-11-91, p. 10978; Amend Coun. J. 11-16-94, p. 61206; Amend Coun. J. 11-19-03, p. 14216, § 8.1; Amend Coun. J. 12-15-04, p. 39840, § 1)

11-4-180 ASME code work fees.

Fees shall be as follows for the survey or inspection of any required ASME code work, or for other work not included under existing scheduled fees:

For each eight-hour day . . . $300.00
For each four hours or fraction thereof . . . 150.00

(Prior code § 17-1.15; Amend Coun. J. 7-9-84, p. 8218; Amend Coun. J. 11-16-94, p. 61206)

11-4-190 Payment and disposition of fees and fines.

All fees, fines or penalties prescribed for the issuance of permits, licenses or certificates or for the inspection of plans, premises or equipment, or for the regulation of liquid waste and construction or demolition debris, under any provision of this chapter, shall be paid to the commissioner, who shall render to the person making such payment a receipt stating the amount and purpose for which such fee or penalty has been paid. All fees and penalties thus received shall be deposited with the city comptroller for the corporate fund; provided however, that the fees and fines collected pursuant to Section 11-4-140 shall be deposited in the special fund known as the "liquid waste management fund," as described in Section 11-4-150; and that the fees and fines collected pursuant to Section 11-4-1961 shall be deposited in the special fund known as the "construction/demolition debris management fund," as described in Section 11-4-1961.

(Prior code § 17-1.16; Amend Coun. J. 12-18-86, p. 38637; Amend Coun. J. 9-1-99, p. 10082, § 3)

11-4-200 Fees--Debt due to city.

All fees, fines or penalties prescribed for payment required under any provision of this chapter shall constitute a debt due the city. No civil judgment, or any act by the corporation counsel, the commissioner, or the violator, shall bar or prevent a criminal prosecution for each and every violation of this chapter as provided.

(Prior code § 17-1.17; Amend Coun. J. 9-1-99, p. 10082, § 4)

11-4-210 Refund of permit fees.

In the event the installation of the fuel-burning, combustion or process equipment or device is not completed or that the commissioner or any other authorized officer of any department of the city refuses issuance of a permit for the erection or construction of any building or structure in which such equipment, process or device is to be located, the fee which has been paid for the permit or the certificate of operation may be refunded upon proper presentation of the facts; provided, however, that no refund shall be made after a period of one year from the payment of the fee.

(Prior code § 17-1.18)

11-4-220 Refund of fees.

The commissioner shall refund all inspection or examination fees charged against any charitable, religious or educational institution when the furnace or other combustion equipment, device or apparatus inspected is located in or upon premises used and occupied exclusively by such institution; provided, however, that such charitable, religious or educational institution is not used or connected with any institution conducted for private gain or profit. The commissioner may require every application for the refund of such fee to be verified by affidavit of one or more taxpayers of the city.

(Prior code § 17-1.19; Amend Coun. J. 12-11-91, p. 10978)

11-4-230 Violation--Penalties.

Any person found guilty of violating, disobeying, omitting, neglecting, refusing to comply with or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than $100.00 nor more than $300.00 for the first offense, and not less than $300.00 nor more than $500.00 for the second and each subsequent offense, in any 180-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (Illinois Revised Statutes 1969, Chapter 110, paragraph 1, et seq.). 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 under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code (Illinois Revised Statutes 1969, Chapter 25, paragraph 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Illinois Statute 1969, Chapter 38, paragraph 100-1, et seq.) in a separate proceeding. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation or failure to comply is permitted to exist after notification thereof. In addition to such fines and penalties, the permit, or certificate of operation of such person, or of the offending property may be suspended or revoked as hereinbefore provided.

(Prior code § 17-1.20)

11-4-240 Installation permit required.

It shall be unlawful for any person to install, erect, construct, reconstruct, alter or add to, or cause to be installed, erected, constructed, reconstructed, altered or added to any fuel-burning, refuse-burning, compactor, any drain outlet or other facility for the discharge into any water or watercourse, combustion or process equipment or device, or any equipment pertaining thereto, or any stack or chimney connected therewith, within the city, excepting domestic heating plants, locomotive, steamships and internal combustion engines; or to make, or cause to be made, major repairs to any high-pressure boiler furnace or the brickwork on or about the same in said city until an application for installation and operating permits on forms supplied by the department including suitable plans and specifications of the fuel-burning, refuse-burning, compactor, combustion or process equipment or device, or high-pressure boiler furnace repair, and the structures or buildings used in connection therewith, has been filed in duplicate by the owner, contractor or other person, or his agent, in the office of, and has been approved by, the commissioner as being so designed that the same can be managed and operated to conform to the provisions of the chapter and an installation permit issued by him for such installation, erection, construction, reconstruction, alteration, addition to or repair.

Provided, however, that maintenance or repairs or alterations which are minor in scope or do not change the capacity of such fuel-burning, refuse-burning, compactor, combustion or process equipment or device and which do not involve any changes in the method of combustion or materially affect the emission of smoke, dust, fumes or other products of combustion therefrom may be made without an installation permit; provided, further, that an emergency repair may be made prior to the application for, and the issuance of, a required installation permit in the event an emergency arises and serious consequences would result if the repair were to be deferred. When such repair is made in emergency, application for an installation permit or an operating permit therefor shall be filed in duplicate by the person or his agent in the office of the commissioner within a reasonable time after the start of such work. Each installation permit shall be posted in a conspicuous place at or near the work for which it was issued.

(Prior code § 17-1.21)

11-4-250 Waste handling facilities--Permit required.

It shall be unlawful for any person to install or to construct any liquid waste handling facility, resource recovery facility, incinerator, sanitary landfill, transfer station or any facility that disposes, handles or treats any waste in the City of Chicago without having obtained a written permit from the commissioner. No changes, additions, expansions or extensions to any such facility shall be made without having obtained a written permit from the commissioner. For purposes of this section, an expansion or extension shall refer to an increase in the horizontal and/or vertical permitted limits of a facility or an increase in the handling or treating capacity of a facility; provided, however, the definition of expansion with respect to sanitary landfills shall be as set forth in Section 11-4-120.

Any operation at any such facility which exceeds or does not comply with the plans and specifications of the facility reviewed and approved by the commissioner pursuant to the permit application, or which violates any of the conditions imposed by the permit, or which violates any provisions of this chapter or regulations promulgated hereunder will constitute grounds for revocation of the permit.

(Prior code § 17-1.22; Amend Coun. J. 3-8-89, p. 25433; Amend Coun. J. 1-12-95, p. 65073)

11-4-260 Certificate of operation.

Prior to commencing operation of any new emission source or new air pollution control equipment of a type for which an installation permit is required by the department, a certificate of operation shall also be obtained from the department. An application for a certificate of operation shall be made to the department in a form prescribed by the commissioner.

No certificate of operation shall be valid for more than one calendar year. A person to whom a certificate of operation has been issued shall by January 1 of each calendar year renew the certificate of operation with the department on a form prescribed by the commissioner.

Violations of any of the conditions of a certificate of operation or the failure to comply with any rule or regulation of this chapter shall be grounds for revocation of the certificate of operation, as well as for other sanctions provided in the chapter.

The department of the environment shall have the owner or operator of any emission source or air pollution control equipment provide, without charge to the city, necessary holes in stacks, ducts and other safe and proper testing facilities, including scaffolding, but excluding instruments and sensing devices as may be necessary for the conduct of a stack test.

It shall be unlawful for any person or his agent to use or operate any fuel-burning, refuse-burning, compactor, combustion or process equipment without a valid certificate of operation therefor. A certificate of operation shall be displayed in a conspicuous place near any fuel-burning, refuse-burning, compactor, combustion or process equipment for which it has been issued.

Any person who violates any provision of this section shall be subject to a penalty of not less than $500.00 nor more than $1,000.00 for each such violation.

(Prior code § 17-1.23; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 12-15-04, p. 39840, § 1)

11-4-270 Contents of plans and specifications.

The plans and specifications, submitted pursuant to Section 11-4-240 of the fuel-burning, combustion equipment or device other than process or process equipment shall show the type of installation, the form and dimensions of such equipment or device, more particularly the proposed boiler, furnace, fuel burner, refuse burner, stack and ducts, together with the description and dimensions of the building or part thereof in which such equipment is to be

located, the amount of work and the amount of heating to be done by such equipment, including all provisions made for the purpose of securing complete combustion of the fuel or refuse to be used and the manner in which it is to be burned for the purpose of preventing emissions in excess of the limitations established by or under this chapter. Said plans and specifications shall also show the character of the fuel or refuse to be burned, the maximum quantity of the same to be burned per hour, the operating requirements and the use of such equipment; and that the room or premises in which such equipment shall be located is provided with adequate means of ventilation to provide sufficient air to complete the combustion process. Such plans and specifications shall further show the dimensions of such room in which such equipment is to be located, the location and dimensions of all stacks used in connection with or as a part of said equipment, the locations and dimensions of all stacks of any buildings or structures immediately adjoining and contiguous to the premises in question, the frequency and duration of emissions, composition of effluents and range of collector efficiency. The commissioner may require such additional data as he deems necessary for the purpose of issuing a permit for the installation or operation of any such equipment.

The plans and specifications, submitted pursuant to Section 11-4-240 of process or process equipment, shall contain such information and data as the commissioner may deem necessary to determine the emission potential of such process or process equipment, including, but not limited to, the frequency and duration of emissions except composition of effluents and range of collector efficiency.

(Prior code § 17-1.24)

11-4-280 Plan approval by registered engineer.

The plans and specifications submitted pursuant to Section 11-4-240 shall be prepared under the direction of, or approved by, a registered professional engineer and bear his seal. The commissioner shall have the power to exempt plans involving minor repairs, replacement of existing equipment, fuel conversion units or other equipment not requiring original engineering work from this provision.

(Prior code § 17-1.25)

11-4-290 Conformity to plans and specifications.

Without the approval of the commissioner, no installation, erection, construction, reconstruction, alteration of, or addition to any fuel-burning, combustion or process equipment or device, or major repair to any high-pressure boiler furnace for which an installation permit has been issued, shall be made which is not in accordance with the plans, specifications and other pertinent information upon which such permit was issued.

(Prior code § 17-1.26)

11-4-300 Permit issuance conditions.

Any application pursuant to Sections 11-4-240, 11-4-260 and 11-4-350 shall be approved or rejected within 90 days after it is filed in the office of the commissioner. A permit for a fuel-burning, combustion or process equipment or device may be issued if (a) the plans and specifications comply with the provisions of this chapter and the rules and regulations promulgated hereunder; (b) applicable permit fees are paid; and (c) the operation of the equipment or device will not result in a release of contaminants or emissions prohibited by or under this chapter. The issuance of a permit for any fuel-burning, combustion or process equipment or device may be conditioned upon operational requirements including restrictions on type of fuel or emission control devices to be utilized.

(Prior code § 17-1.27; Amend Coun J. 3-8-89, p. 25433; Amend Coun. J. 12-11-91, p. 10978; Amend Coun. J. 1-12-95, p. 65073)

11-4-310 Confidentiality.

(a) Any trade secret reported to or otherwise obtained by the department in connection with any examination, inspection or proceeding under this chapter shall be considered confidential;

(b) The commissioner shall adopt regulations which prescribe: (1) procedures for evaluating whether a device, material or process is a trade secret; and (2) procedures to protect the confidentiality of a trade secret.

(Prior code § 17-1.28; Amend Coun. J. 3-8-89, p. 25433)

11-4-320 Show cause order--Hearing.

Whenever the commissioner shall determine that any pollution standard in this chapter is continually violated the commissioner may order whomsoever causes such violation to occur to show cause why such violation should not be immediately abated. The offenders shall be notified in writing of the specific time and place of such hearing. In addition, the notice shall be served personally or by first class or express mail or by overnight carrier at least seven days before such hearing. This last notice herein provided shall be directed to the last known address of the person to be notified, or if such person or his whereabouts is unknown, then by posting a notice on or near the premises at which the violation is occurring. Prior to the exercise of exclusive jurisdiction by the department of administrative hearings in accordance with Section 2-14-190(c) of this Code, the hearing may be conducted by the commissioner or his designee. After the exercise of such jurisdiction, the commissioner shall institute an action with the department of administrative hearings which shall conduct the hearing and make a final determination. Upon the date specified in the notice, such person may appear at such hearing in person or by an attorney appearing on his behalf. If the offender of his attorney fails to appear at such hearing or if upon conclusion of such hearing the commissioner or the administrative law officer finds that there are violations of this chapter, he or she may enter an order revoking any certificate of operation or permit outstanding and direct that the offending process or equipment be sealed by an inspector or other authorized agent of the commissioner.
(Prior code § 17-1.29; Amend Coun. J. 11-12-97, p. 56814; Amend Coun. J. 7-10-96, p. 24987; Amend Coun. J. 4-29-98, p. 66565)

11-4-330 Notice of violation.

The commissioner is hereby authorized to issue notices of violation

for the purpose of giving notice to persons allegedly violating any of the provisions of this chapter or other ordinances relating to pollution. If at the time of any original inspection or annual inspection or any other inspection, it is found that any fuel burning, combustion or process equipment or device or premises is being operated or managed or is in such a condition or so installed that it is in violation of any emission limitation or other requirement or jurisdiction provided in this chapter, the commissioner may give notice in writing to any or all persons owning, operating, or in charge of such equipment or device or premises of the defective equipment or device, condition, operation or violation. Such notice may be given by any inspector or other properly trained authorized agent of said commissioner by delivering such notice to any person owning, operating or in charge of the equipment or device, or premises involved or by leaving a copy thereof with a person in charge of such equipment, device or premises or by mailing a copy directed to the last known address of the person to be notified.

Such notices shall contain a demand upon such person or persons to discontinue use of such equipment or device or premises until the correction thereof has been approved by the commissioner. Such notice shall allow up to ten days' time to correct the equipment or device or condition or operation and report compliance to the commissioner.

Failure to comply with such notice within ten days from its date or within any extension of time granted under Section 11-4-530 hereof, shall be violation of this section and, upon such failure, the commissioner may revoke any existing certificate of operation or permit for such equipment or device.

(Prior code § 17-1.30)

11-4-340 Discontinuance and sealing of equipment or process.

The commissioner may order that the use of a violating process or device be discontinued and may seal such equipment or process as provided for below:

1. As provided in Section 11-4-400; or

2. Following the revocation of a permit or certificate of operation pursuant to Sections 11-4-320 or 11-4-330; or

3. When a certificate of operation is refused in the case of any original, periodic or subsequent inspection because the person required to procure such certificate has not complied with the provisions of this chapter; or

4. In the case of movable equipment or portable boilers or vehicles, when immediate correction of a condition causing a violation of this chapter is not made by the operator of such equipment, portable boiler or vehicle when ordered to do so by the commissioner or his authorized representative; or

5. As provided in Section 2-30-030(19).

(Prior code § 17-1.31)

11-4-350 Breaking or removal of seal.

Whenever, in connection with the enforcement of this chapter, any fuel-burning, combustion, process equipment or device, or any plant, building, structure, premises, portable boiler or vehicle has been sealed at the direction of the commissioner, the seal shall not be broken or removed, except on written order of the commissioner. The breaking or removal of this seal without such order shall be a violation of this chapter, and each day such seal remains broken or removed shall constitute a separate offense.

(Prior code § 17-1.32)

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

The commissioner, or anyone authorized to act for him, in the performance of his duties and for the purpose of enforcing and administering this chapter or any order, regulation or rule promulgated pursuant thereto, or for the purpose of obtaining facts with respect to any complaint or noncompliance, is hereby authorized and empowered to enter into any building, structure, establishment, premises or enclosure or other place at all reasonable hours for the purpose of inspecting any fuel-burning, combustion or process equipment or devices situated herein; or to stop, detain and inspect any portable boiler or vehicle; and shall collect and preserve any and all evidence pertaining to any alleged violation of any provision of this chapter. If any person in any way denies, obstructs or hampers such entrance or inspection, the commissioner is hereby authorized to refuse the issuance of any certificate or permit for any fuel-burning, combustion or process equipment or device with respect to which entrance or inspection has been denied in the event one has not been issued; or to revoke any outstanding certificate or permit issued for such equipment or device.

(Prior code § 17-1.33)

11-4-370 Proof of responsibility.

(a) Proof of responsibility will be required in the following enumerated instances, in the forms specified:

1. If the proposed plans and specifications submitted pursuant to Section 11-4-270 are not sufficiently complete in the judgment of the commissioner to show that the equipment or device for which such plans and specifications were submitted can consistently comply with and can be operated within the provision of this chapter, either because the design or process is unconventional or untried, or because the person has elected to omit confidential details or because there are insufficient data on which to estimate the pollution potential, the commissioner is authorized to require as a condition precedent to the issuance of an installation permit or certificate of operation, proof of financial responsibility and of ability to make any changes that may be required after construction to insure compliance with the provision of this chapter. Such proof, in the discretion of the commissioner, may be a written statement to such effect, signed by the owner or a responsible officer of a financially sound organization, or a written guarantee of performance signed by a responsible supplier or contractor or other responsible person. The responsibility of any such person or soundness of any such organization shall be a matter within the judgment of the commissioner, subject to the right of appeal. Pursuant to this subsection (a)(1), the commissioner may require

any such person as owner, operator, contractor or other person to file with the commissioner security for the benefit of the City of Chicago in a sum not to exceed $100,000.00. The purpose of the security is to assure compliance with the requirements of such installation permit or certificate of operation, the provisions of this Code and the rules and regulations promulgated hereunder, and to secure payment of the city's expenses in correcting any dangerous condition or defect existing in the equipment or process or in responding to any emergency created as a result of the equipment, process or operation.

2. Pursuant to this subsection (a)(2), prior to the issuance of a permit for incinerators, liquid waste handling facilities, recycling facilities, resource recovery facilities, sanitary landfills, or transfer stations, the applicant shall post security. The purpose of such security is to assure that the applicant will comply with the requirements of such permit, the provisions of this Code and the rules and regulations promulgated hereunder, and to secure payment of the city's expenses incurred in correcting any dangerous condition or defect existing in such facility or in responding to any emergency created as a result of the operation of the facility, and also to assure closure of the site and post-closure care in accordance with the requirements of this Code. Such security shall be maintained in effect for 90 days after the notice of the official closure of the facility has been given in writing to the commissioner.

Security pursuant to this subsection (a)(2) shall be provided in the following amounts:

Recycling facility . . . $5,000.00
Transfer station . . . 100,000.00
Incinerator . . . 250,000.00
Liquid waste handling facility . . . 250,000.00
Resource recovery facility . . . 250,000.00
Sanitary landfill . . . 500,000.00

(b) The commissioner shall specify the form, or forms, or combination of forms of security required by this section, and the commissioner shall also specify the amount or amounts of any such security, except where any such amount is explicitly fixed by this section. Any such specification by the commissioner as to form or amount shall be subject to the approval of the city comptroller and the corporation counsel.

(c) In no event shall the security required by this section be deemed to be the limit of the permittee's liability for its equipment, process or operation or its activities at the facility.

(d) No security under this section shall be required of the City of Chicago.

(Prior code § 17-1.34; Amend Coun. J. 3-8-89, p. 25433; Amend Coun. J. 1-19-90, p. 10553; Amend Coun. J. 3-6-96, p. 17625; Amend Coun. J. 9-1-99, p. 10090, § 1)

11-4-380 Reserved.

Editor's note: Section 11-4-380, which pertained to issuance of permit--sanitary landfill, was repealed by Amend Coun. J. 9-1-99, p. 10090, § 2. See the Code Comparative Table.

11-4-390 Certificate of operation--Compliance.

The person to whom a certificate of operation has been issued shall comply with the provisions of this article, the rules and regulations promulgated hereunder, the certificate of operation and its conditions and any other applicable laws or ordinances. The commissioner, or the commissioner's designee, is hereby authorized to inspect any fuel-burning, refuse-burning, compactor, combustion or process equipment to ensure compliance. Any person who violates any provision of this section shall be subject to a penalty of not less than $1,000.00 nor more than $5,000.00 for each such violation.

(Prior code § 17-1.36; Amend Coun. J. 12-15-04, p. 39840, § 1)

11-4-400 Work performed without permit or in noncompliance with permit.

If an installation permit for which an application is required by Section 11-4-240 is not procured prior to the start of any work for which such a permit is required or if any work for which an installation permit has been issued fails to comply with the plans and specifications filed in connection therewith or with the terms of such permit, the commissioner shall have authority to stop all work and seal the installation or equipment and further work or operation shall not proceed until the commissioner has issued an installation permit and has been assured that the work will proceed in accordance with the installation permit. Persons responsible for such equipment may also be required to furnish security or other proof of responsibility in accordance with Section 11-4-370.

(Prior code § 17-1.37; Amend Coun. J. 9-1-99, p. 10090, § 3)

11-4-410 Lack of installation permit--Penalty.

Any person who has started or completed the installation, erection, construction, reconstruction, alteration of or addition to any fuel-burning, combustion or process equipment or device, or any equipment pertaining thereto, or any stack or chimney connected therewith, or has started or completed, or caused to be started or completed the major repair of any high-pressure boiler furnace or the brickwork on or about the same without first having obtained a permit for such work from the commissioner pursuant to Section 11-4-300 shall be subject to the fines and penalties herein provided.

(Prior code § 17-1.38)

11-4-420 Time limit for completion of installation.

If the installation, erection, construction, reconstruction, alteration, addition or repair is not completed within one year of the date of issuance of the installation permit, or any extended period allowed by the commissioner, the permit shall become void and all fees paid shall be forfeited.

(Prior code § 17-1.39)

11-4-430 Required reports and notices.

It shall be the duty of any person responsible for any discontinued or dismantled fuel-burning, refuse-burning, compactor, combustion or process equipment or device coming under the jurisdiction of the permits or fees provisions of this chapter to report to the department within 30 days the permanent discontinuance or dismantlement of such equipment or device.

No person shall cause or allow the continued operation of an emission source or related air pollution control equipment if such operation would cause a violation of the standards or limitations as set forth in Chapter 11-4 and shall be reported, telephoned or telegraphed at the time of occurrence. A request for permission to continue to operate during a malfunction or breakdown, a full and detailed explanation of why such continued operation is necessary, the anticipated nature, sources and quantities of emissions which will occur during such continued operation, the anticipated length of time during which such operations will continue and complete records and reports shall be maintained and submitted to the commissioner.

No person shall cause or allow the startup of any emission source or related air pollution equipment without first filing a notice of startup with the commissioner of consumer services.

(Prior code § 17-1.40)

11-4-440 Sanitary landfill inspection--Jurisdiction and supervision.

Inspection at all sanitary landfill operations shall be under the jurisdiction of the commissioner of the environment. Inspections as necessary shall be supervised by an engineer who is qualified by both education and experience.

(Prior code § 17-1.41; Amend Coun. J. 12-11-91, p. 10978)

11-4-450 Periodic inspections--Certificate of operation.

A periodic inspection shall be made by the department of all fuel-burning, refuse burning, compactor, combustion or process equipment or devices, coming under the provisions of this chapter, whether or not a certificate of operation or allowable fuel certificate allowing use of such equipment or process has been previously issued by the commissioner, to see that such equipment or process can be so managed and operated that no smoke, particulate or other matter shall be emitted therefrom in violation of any emission limitation or other requirement provided under this chapter; provided, however, that no periodic inspection shall be required of locomotives, ships, boats, tugs, internal combustion engines or domestic heating plants.

(Prior code § 17-1.42; Amend Coun. J. 12-15-04, p. 39840, § 1)

11-4-460 Certificate of operation--Posting requirements.

Upon a finding that any fuel-burning, refuse-burning, compactor, combustion or process equipment or device inspected, on any original, annual or subsequent inspection has been found to comply with the provisions of this chapter, and after payment of the prescribed fee, the commissioner shall issue a certificate of operation which shall be posted in a conspicuous place.

(Prior code § 17-1.43)

11-4-470 Reserved.

Editor's note: Amend Coun. J. 12-15-04, p. 39840, § 1, repealed § 11-4-470, which pertained to certificate of operation required. See also the Code Comparative Table.

11-4-480 Federal, state and local government installations.

The commissioner shall have the same power and jurisdiction over all fuel-burning, refuse-burning, compactor, combustion or process equipped devices owned or operated by any branch of the federal, state or local governments and any municipal corporation as over all other fuel-burning, refuse-burning, compactor, combustion or process equipment or devices subject to the terms of this chapter and all such branches and corporations shall be subject to the requirements of this chapter.

It shall be the duty of the commissioner to inspect periodically all such installations and also to preserve a record of the condition with respect to the requirements of this chapter of such installations as shown by such inspection. No fee shall be charged or paid to the department or to any of its employees for any original or periodic inspection of any such installation or for the certificate of operation therefor issued by the department.

(Prior code § 17-1.45)

11-4-490 Persons liable for violations.

All persons causing, participating in, or permitting any violation of any provision of this chapter shall be severally or jointly liable therefor and as such subject to the fines and penalties provided by this chapter.

(Prior code § 17-1.46)

11-4-500 Prosecution for violations.

Prosecutions under this chapter shall be instituted by the commissioner and shall be prosecuted in the name of the city. The issuance and delivery by the commissioner of any permit, certificate for installation, erection, construction, reconstruction, repair, alteration or addition thereto of any fuel-burning, combustion or process equipment or device, or any appurtenance thereto, or certificate for use or operation of any such property, or permit to maintain an open fire, or permit to operate any portable boiler or vehicle shall not be held to exempt any person to whom any such permit or certificate has been issued or delivered, or who is in possession of any such permit or certificate, from prosecution on account of the emission of smoke, particulate or other matter in violation of this chapter, caused or permitted by any such person or persons, or any other violation of the provisions of this chapter by such person or persons.
(Prior code § 17-1.47)

11-4-510 Saving clause.

Any prosecution arising from a violation of any ordinance or part of ordinance repealed herein (or hereby) whether expressly or by

implication, which prosecution may be pending at the time this chapter becomes effective, or any prosecution which may be started within one year after the effective date of this chapter, in consequence of any violation of any ordinance or part of ordinance so repealed, which violation was committed previous to the effective date of this chapter, shall be tried and determined exactly as if such ordinance or part thereof had not been repealed.

(Prior code § 17-1.48)

11-4-520 Interpretation.

This article shall not be considered or construed as in any way retaining, modifying or nullifying any other ordinances of the city or the provisions of this Code or any rules and regulations thereunder, except those ordinances or provisions expressly repealed hereby. This article shall be deemed to be concurrent with and supplemental to any ordinance of the city or any provisions of this Code.

(Prior code § 17-1.49)

11-4-530 Period of grace.

In the event any person is compelled to, or deems it advisable to, install any new equipment, process or device, appliance, means or methods, including needed control equipment in order to comply with any provisions of this chapter and exemption from the operation of this chapter is reasonably necessary in order to allow sufficient time for such installation, such exemption may be granted by the commissioner on good use shown. Upon complaint in writing by any person, setting forth that it is impossible in the operation of any plant, fuel-burning, combustion or process equipment or device, or apparatus to operate the same in complete compliance with the requirements of this chapter, and stating evidence satisfactory to the commissioner that such person has taken or will take all steps necessary to provide for future compliance with the provisions of this chapter, and giving assurance to the commissioner that the acquisition and installation of the proper equipment, process, device or appliance or control equipment will be effected within a reasonable period of time, stating specifically the nature and extent thereof, and upon the finding by the commissioner upon investigation by him of the facts, that said complaint is well grounded, the commissioner is authorized to permit the operation of such plant, fuel-burning, combustion or process equipment or device or apparatus for a reasonable period of time within which period the necessary equipment, process, device, appliance, means or methods or control equipment is to be acquired and installed; provided, however, that the commissioner is empowered to grant further reasonable extensions of time upon proof of extenuating circumstances; and that an order of the commissioner denying a complaint for a period of grace or an extension of time shall be subject to review by the appeal board, as hereinabove provided. During such granted period, such persons shall not be subject to the fines and penalties hereinafter provided for the noncompliance sought to be remedied. If, however, such person wilfully fails in the time allowed to conform with applicable provision or provisions of this chapter or to comply with his assurance and agreement, he shall be subject to all applicable fines and penalties herein provided dating from the beginning of the said period or periods. It shall be the duty of such person to notify the commissioner immediately of the completion of such installation.

(Prior code § 17-1.50)

11-4-550 Episode alert program.

(a) Whenever atmospheric and pollution conditions create circumstances which may cause acute harmful health effects, the commissioner shall implement the Rules for Controlling Air Pollution Episodes as promulgated by the State of Illinois Pollution Control Board, PCB-R71-23, set forth in Chapter IV of the Rules and Regulations Governing the Control of Air Pollution, as amended from time to time.

(b) The commissioner is hereby empowered to adopt such plans as may be necessitated in cooperation with appropriate state and federal authorities for the purpose of eliminating the circumstances tending to cause acute harmful health effects as aforesaid, including, but not limited to, the implementation of an air pollution watch, an alert procedure and an emergency procedure.

(c) The commissioner is hereby empowered to request and approve acceptable episode action programs on all designated Standard Industrial Classifications group designations. Approved plans shall be kept on file and amended as required.

(Prior code § 17-1.52)

11-4-560 Environmental coordinator.

Within the department there shall be an environmental coordinator whose duties shall include, but not be limited to the following:

(a) Correlating existing lists of sites handling or storing toxic substances with any list of fires maintained by the Chicago Fire Department;

(b) Assisting the Chicago Fire Department and other local, state and federal agencies in the coordination and dissemination of information to community residents regarding preventive and precautionary measures to avoid or minimize exposure to toxic chemicals, either in case of actual or potential danger;

(c) Nothing herein contained is intended nor shall operate to supersede the authority and responsibility of the Chicago Fire Department and its respective bureaus and divisions in their duties under any current municipal ordinance or state statute, including but not limited to Chapters 2-4, 2-36, 4-112, 15-4, 15-24 and 15-28 of the Municipal Code of the City of Chicago, the Illinois Toxic Substance Act, the Chemical Safety Act or other relevant state or federal statutes.

(Prior code § 17-1.53; Added Coun. J. 1-30-87, p. 39048; Amend Coun. J. 12-11-91, p. 10978)

11-4-570 Abandoned facilities inspection unit.

The department shall identify abandoned industrial facilities, inspect such facilities for the presence of toxic substances, and if such substances are found, notify the appropriate federal, state

and local agencies responsible for removal, cleanup and security in order to facilitate safe and timely resolution of the problem.

(Prior code § 17-1.54; Added Coun. J. 1-30-87, p. 39048; Amend 12-11-91, p. 10978)

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

(a) Definitions.

(1) "Actual emissions" means actual emissions as defined in the State New Source Review rules codified at 35 Ill. Adm. Code §203.104, as may be amended.

(2) "C.A.A." means the Clean Air Act as amended by the Clean Air Act Amendments of 1990, 42 U.S.C. §§ 7401 -- 7671, as may be amended.

(3) "Donor" means a source that donates credits to the city pursuant to a donation agreement.

(4) "Donation agreement" means an agreement between the city and a donor, substantially in the form determined by the E.R.C. committee in the plan.

(5) "Emission reduction credits" or "credits" means the amount of actual emission reductions at a source, as determined by I.E.P.A. in a final permit or other I.E.P.A. approved document.

(6) "Emission unit" means emission unit as defined in § 39.5 of the Illinois Environmental Protection Act ("I.E.P. Act"), as may be amended.

(7) "Emission reduction credit banking and trading committee" or "E.R.C. committee" means a city interdepartmental committee that includes the chairman of the city council committee on energy, environmental protection, and public utilities or his designee and representatives from the department of environment, department of planning and development and department of law.

(8) "Emission reduction credit management plan" or "plan" means a plan developed by the E.R.C. committee to implement and administer the program.

(9) "New source review" or "N.S.R." means the State of Illinois New Source Review rules codified at 35 Ill. Adm. Code § 203, as may be amended.

(10) "P.E.R.Q.S." means that the credits are permanent, enforceable, real, quantifiable, and surplus, as defined in applicable state and federal regulations, as may be amended.

(11) "Program" means the emission reduction credit banking and trading program established by this ordinance.

(12) "Reasonable further progress" or "R.F.P." means reasonable further progress as defined in the Clean Air Act, 42 U.S.C. § 7511a, as may be amended.

(13) "Recipient" means a qualified applicant to which credits have been awarded after the applicant has satisfied all applicable criteria.

(14) "Supplemental environmental project" means an additional project developed by the recipient that will benefit the environment but that is not required by environmental laws and regulations.

(15) "Source" means a source of V.O.M.s as defined in § 39.5 of the I.E.P. Act, as may be amended.

(16) "Stationary source" means any building, structure, facility or installation that emits or may emit V.O.M.s.

(17) "V.O.M.s" means volatile organic materials as defined in 35 III. Adm. Code § 211, as may be amended.

(b) Donation of Credits.

(1) The E.R.C. banking and trading committee ("E.R.C. committee") is authorized on behalf of the city to accept credits that are generated by actions taken by a donor, as set forth in the donor's permit issued by I.E.P.A. or other I.E.P.A. approved document. These donations may be accepted without notification to the board of ethics or the comptroller's office. The E.R.C. committee may accept donations in tons or partial tons or in a quantity designated by I.E.P.A. for trading purposes.

(2) In order for the E.R.C. committee to ensure that credits donated to the city are valid and acceptable, the donor must provide satisfactory documentation (e.g., a valid state permit) that the credits are a permanent, enforceable, real, quantifiable, and surplus ("P.E.R.Q.S.") emission reduction. The donor must, to the extent practicable, quantify and identify the hazardous air pollutant emissions associated with the donated credits.

(3) The donor is required to enter into a donation agreement with the city in substantially the form established by the E.R.C. committee in the E.R.C. Management Plan (the "plan").

(c) City Credit Bank.

(1) The E.R.C. committee shall hold credits donated to the city in the City of Chicago emission reduction credit bank (the "bank") until the credits are disbursed to a recipient.

(2) Each credit will be equivalent to a specific amount of volatile organic compound ("V.O.M.") emissions, to be determined in the plan and in accordance with the Illinois clean air requirements, as may be amended. The E.R.C. committee shall assign an identification number to each credit and record the credit in the bank for future use. At the time of disbursement, the E.R.C. committee shall provide documentation to the recipient for purposes of tracking each unit of credit awarded and to provide necessary documentation to I.E.P.A.

(3) Once one or more credits are disbursed to a recipient, the city shall relinquish all control over the use of the credits and the recipient shall become entitled to sole use of the credits, except as set forth in subsections (e)(5)(B), (C) and (D).

(4) A credit held in the bank will have a limited life. If the credit is not awarded to a recipient within five years of the date of donation,

the city shall donate the credit to the State of Illinois to be used for reasonable further progress ("R.F.P.").

(5) The credits in the bank shall be subject to an R.F.P. percent reduction of at least three percent per year, unless the E.R.C. committee and I.E.P.A. agree otherwise.

(6) Credits in the bank shall be discounted consistent with reductions required by state clean air rules, as may be amended, that are applicable to the emission unit(s) of the donor that generated the credit.

(d) Application Procedure.

(1) In order for an applicant to qualify as a recipient, the applicant must be:

(A) A new source locating in the city that would be required to meet the offset requirements of the C.A.A. and the N.S.R. rules;

(B) An existing source that is making a modification that would require the source to meet the offset requirements of the N.S.R. rules; or

(C) An existing source that may use credits to comply with applicable provisions of the I.E.P. Act or the pollution control board rules as may be specifically provided within such regulations, as amended from time to time.

(2) Before the applicant may qualify as a recipient, the applicant must satisfy the criteria set forth in subsection (e) and in the plan, as may be amended.

(3) An application for credits must be submitted to the E.R.C. committee for review.

(4) An application fee shall be set by the E.R.C. committee in the plan and the fee must accompany any application before it will be processed by the E.R.C. committee.

(e) Criteria For Recipients of Credits.

(1) Prior to recommending qualified recipients, the E.R.C. committee may consider the following criteria and information and any additional information specified in the plan, as may be amended.

(2) General Requirements -- All applicants must provide the following information, if applicable:

(A) Name and address of proposed recipient;

(B) Illinois operating permit number, if the applicant has an existing permit;

(C) Location of proposed or existing source;

(D) Description of the business or activity;

(E) New or retained direct employment and indirect employment and/or jobs created by expansion;

(F) Composition of current and proposed work force and the likelihood of hiring local workers/community residents or Chicago residents in general;

(G) If the applicant is a new or expanding facility, the skill level of workers to be hired;

(H) Opportunity for applicant to provide additional employee training;

(I) If the applicant is a city contractor, how the applicant currently or in the future will meet applicable Women's Business Enterprise/Minority Business Enterprise ("W.B.E./M.B.E.") requirements;

(J) Commitment to the development of a supplemental environmental project ("S.E.P.") that will benefit the environment. Examples include but are not limited to: planning and implementing pollution prevention measures; adopting an employee commute options program when not required or providing other alternative means of commuting; providing recycling or using recycled materials; and conducting beautification programs, such as planting trees or community gardens or refurbishing neighborhood parks;

(K) Amount of credits requested, considering the amount available to the applicant from other means (the amount can be identified in pounds or tons per year, depending on the quantity desired);

(L) Quantity and identity of the V.O.M. emissions from the facility, including characterization of hazardous air pollutants ("H.A.P.s") to the extent practicable;

(M) If these V.O.M. emissions include hazardous air pollutants ("H.A.P.s"), the applicant must specify the means that it will use to minimize those H.A.P. emissions, as may be required by clean air requirements, as amended from time to time; and

(N) Any additional information requested by the E.R.C. committee from time to time.

(3) The following criteria shall be considered by the E.R.C. committee in addition to the information provided by the applicant pursuant to subsection (e)(2):

(A) Likelihood of the applicant to locate elsewhere if credits are not provided;

(B) The ability of other facilities within the city to undertake the activity if the applicant does not do so;

(C) Community involvement and/or utilization by the applicant of neighborhood resources;

(D) Likelihood of the applicant's facility to have a significant positive or negative impact on existing neighborhood character, traffic, parking, utilities, and infrastructure;

(E) Period of time the applicant will sustain its major employment

and other effects;

(F) Past growth of business and industry and whether other public subsidies are likely to be needed to stimulate investment;

(G) Community support or opposition to the project;

(H) Local ownership;

(I) The number of credits currently in the bank;

(J) The type of V.O.M.s for which the credits will be used. Only credits characterized as H.A.P. emission reductions may be utilized to offset emissions characterized as H.A.P.s from the applicant's source; provided, however, that the emission reduction committee may recommend a variance to this restriction to serve community development and/or health and safety concerns, and set forth the basis for such variance in its submittal to the city council;

(K) Whether disbursement of the credits to the applicant complies with the C.A.A. and corresponding state and federal regulations;

(L) The applicant's compliance with the Clean Air Act and corresponding regulations;

(M) The applicant's prior investigation and implementation of pollution prevention measures and the technical and economic feasibility of implementing additional measures and the likelihood of the applicant to do so;

(N) Whether the applicant is engaged in the development of environmentally beneficial products; and

(O) Any additional information required from time to time by the E.R.C. committee.

(4) In addition to the requirements set forth in subsections (e)(2) and (3), applicants applying for credits pursuant to subsection (d)(1)(A) or (B) must:

(A) Certify compliance with all state N.S.R. laws and regulations as set forth in 35 Ill. Adm. Code § 203, as may be amended; and

(B) Demonstrate that the applicant satisfies I.E.P.A.'s criteria for use of credits and the potential for acceptance by I.E.P.A. of the credits as an N.S.R. offset.

(5) In addition to the requirements set forth in subsections (e)(2) and (3), applicants applying for credits pursuant to subsection (d)(1)(C), must do the following:

(A) Satisfy the applicable requirements of the I.E.P. Act or pollution control board rulemakings as may be specifically provided for within such requirements, as amended from time to time;

(B) Agree to reduce emissions in accordance with the applicable clean air requirements within a specified time period in which the credits are valid. The credits shall be valid for a period of time as determined in the plan and in accordance with the I.E.P. Act and applicable regulations, as may be amended. Once the recipient comes into compliance with the applicable clean air requirements, the credits shall revert to the city;

(C) Agree that if the facility fails to achieve compliance pursuant to subsection (5)(B) in the time allotted, the credits shall revert to the city;

(D) Agree that if the facility shuts down within the time allotted, the credits shall revert to the city;

(E) Agree that it is the recipient's duty to discount the credits received, if such discounting is required by clean air requirements;

(F) Demonstrate the inability to technically or economically achieve compliance by other means or to obtain credits from other sources at a reasonable cost;

(G) Demonstrate that the applicant satisfies the I.E.P.A.'s criteria for use of credits;

(H) Demonstrate the likelihood of acceptance by I.E.P.A. of the use of the credits as a compliance strategy;

(I) Specify the amount of time before the applicant will be able to achieve compliance through actual emission reductions rather than the use of credits; and

(J) The application must specifically include, if applicable:

(i) A statement of the relief sought, including specific identification of the particular provisions of the laws and regulations under which the credits will be used as a compliance measure;

(ii) A description of the process or activity to which the credits will be applied and the identification of the emission units;

(iii) A statement of the reasons the applicant believes that compliance with the particular provisions of the regulations would impose an arbitrary or unreasonable economic hardship or is technically infeasible;

(iv) A statement as to why compliance with the laws and regulations cannot be achieved without credits;

(v) Past efforts to achieve compliance including costs incurred, results achieved, and permit status;

(vi) A detailed compliance plan describing the proposed methods to be investigated to achieve full compliance with the law and regulations without the use of credits; and

(vii) A statement of the measures to be undertaken during the period of time the credits are in use to minimize emissions.

(f) Disbursement of Credits.

(1) The E.R.C. committee shall determine whether the applicant has provided adequate information to satisfy all applicable criteria set forth in subsections (d) and (e), and based on this determination recommend to the city council that the credits be awarded to the applicant. City council approval shall be required before credits are awarded.

(2) The E.R.C. committee shall recommend whether the credits should be donated or sold, as determined on a case-by-case basis. If the credits are sold the price shall be established by the E.R.C. committee in the plan.

(3) After approval of the applicant by the city council and the E.R.C. committee, the E.R.C. committee shall notify the applicant that the applicant qualifies as a recipient and the number of credits to be awarded.

(4) The E.R.C. committee shall issue a certificate to the recipient indicating the number of credits awarded, and the length of time the credits are eligible for use, if applicable. The certificate shall contain the identification numbers for all of the credits that shall be disbursed to the recipient.

(5) It is the duty of the recipient to obtain I.E.P.A. acceptance of the use of the credits. After approval of the award by the city and I.E.P.A. acceptance, the E.R.C. committee shall disburse the credits and transfer to the recipient shall be complete.

(6) If I.E.P.A. denies the use of the credits or the recipient fails to use them in a specified time or manner, the credits are considered not awarded and revert back to the city.

(7) Each recipient shall be required to enter into an agreement with the E.R.C. committee, acting on behalf of the city, in a form approved by the law department, agreeing to comply with the requirements of this program and such other terms and conditions required by the law as reasonably necessary to protect the city.

(8) The E.R.C. committee shall give priority consideration to applicants that have evaluated opportunities to reduce or prevent pollution at the source through changes in production processes, operations or raw materials use. To assist in the determination of pollution prevention opportunities, the E.R.C. committee shall ensure that applicants have access to the technical services of the Illinois Hazardous Waste Research and Information Center.

(g) Program Administration.

(1) The city hereby establishes an E.R.C. committee to administer the program. The duties of the E.R.C. committee include but are not limited to:

(A) Developing a plan, reviewing that plan at least annually, and amending the plan as necessary;

(B) Reviewing applications from potential recipients and recommending approval of these applications; and

(C) Developing procedures from time to time for the implementation of the program.

(2) The E.R.C. committee has the authority to act on behalf of the city to administer the program, in accordance with federal and state law, as may be amended.

(3) The plan shall specify, at a minimum:

(A) The form of the donation agreement;

(B) Any additional information, other than specified in subsections (d) and (e), that the city may need to consider before awarding credits to recipients;

(C) The proportion of the credits donated to the city that shall be used for N.S.R., compliance purposes, and R.F.P.;

(D) The application fee;

(E) The factors to consider in establishing a fair price for the credits, if they are sold. The factors may include consideration of the current market value of the credits, ability of sources to pay, establishment of a below-market value price, and the comparative benefit and cost of the applicant's proposed S.E.P.; and

(F) A process that provides citizens who may be affected by a proposed facility with reasonable notice and opportunity to provide comments to the E.R.C. committee at least 30 days before the committee makes a recommendation to the city council that credits be awarded to a qualified applicant.

(4) This program does not exclude the consideration of credits generated from area or mobile sources, as may be determined by the E.R.C. committee in the plan.

(5) Copies of the plan shall be provided by the department of environment to the I.E.P.A. and interested parties upon request.

(Added Coun. J. 11-2-94, p. 59095)

ARTICLE VII. NOISE AND VIBRATION CONTROL

11-4-1100 Definitions.

Definitions relating to Article VII will be found in Section 11-4-120.

(Prior code § 17-4.1; Added Coun. J. 1-27-88, p. 10081)

11-4-1110 Sound pressure level--Public way.

No person except a person participating in a parade or public assembly for which a permit has been obtained pursuant to Chapter 10-8, shall, for purposes of entertainment or communication, generate any sound by any means so that (1) the sound pressure level on the public way measured at a distance of ten feet or further from the source exceeds 80 dB(A), or is more than 10 Db(A) above the ambient noise level, or (2) 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. Any person participating in a parade or public assembly for which a permit has been obtained pursuant to Chapter 10-8 of this Code may generate sound in excess of the limitations in this section only if the sound generated does not exceed maximum levels set forth in regulations that the commissioner of the environment may promulgate. Such regulations shall define reasonable maximum sound levels in light of the nature of the event, its time, and the character of the surrounding neighborhood.

(Prior code § 17-4.2; Added Coun. J. 1-27-88, p. 10081; Amend Coun. J. 6-23-93, p. 34389; Amend Coun. J. 7-21-99, p. 9474)

11-4-1115 Sound device restrictions--Violation--Penalty.

(a) No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player or other device for receiving broadcast sound or reproducing recorded sound if the device is located:

(1) On the public way; or

(2) In any motor vehicle on the public way;
and if the sound generated by the device is clearly audible to a person with normal hearing at a distance greater than 75 feet. This section shall not apply to any person participating in a parade or public assembly for which a permit has been obtained pursuant to Chapter 10-8.

(b) Any person who violates this section shall be subject to a fine of $50.00 for a first offense, $100.00 for a second offense committed within a one-year period, and $500.00 for a third or subsequent offense committed within a one-year period.

(c)
(1) A motor vehicle that is used in the violation of subsection (a) of this section shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of $500.00 in addition to fees for the towing and storage of the vehicle.

(2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.

(3) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

(Added Coun. J. 6-23-93, p. 34389; Amend Coun. J. 7-31-96, p. 26912; Amend Coun. J. 4-29-98, p. 66565)

11-4-1120 Sound pressure level--Time restrictions.

Notwithstanding any other provision of this article, no person on the public way, in a public or private open space, or in a vehicle shall generate any sound by any means so that the sound pressure level exceeds 55 dB(A) within any residential unit between the hours of 9:00 p.m. and 8:00 a.m.

(Prior code § 17-4.3; Added Coun. J. 1-27-88, p. 10081)

11-4-1130 Exempted acts.

The provisions of Sections 11-4-1110 or 11-4-1120 shall not apply to any of the following acts:

(a) Use of a sound amplification device as an alarm or emergency warning device;

(b) Sounds generated between the hours of 8:00 a.m. and 9:00 p.m. in construction, demolition or repair work pursuant to duly authorized permit or franchise or license agreement;

(c) Sounds generated in construction, demolition or repair work of an emergency nature or in work on public improvements authorized by a governmental body or agency;

(d) Sounds generated by any aircraft or generated in connection with the operation of any airport;

(e) Sounds generated at any stadium or in connection with any festival, parade or street fair conducted pursuant to a valid permit;

(f) Sounds generated in the operation of any mass transit system.

(Prior code § 17-4.4; Added Coun. J. 1-27-88, p. 10081)

11-4-1140 Lowest level limits to apply.

In case of conflict between any sections of this article, the provision which contains the lowest level limits shall apply.

(Prior code § 17-4.5; Added Coun. J. 1-27-88, p. 10081)

11-4-1150 Prohibited acts.

The following acts and the causing thereof are prohibited:

(a) Sounding or permitting the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes from any place in such a manner as to create a noise disturbance at a residential lot boundary or residential zoning district boundary for more than five minutes in an hourly period;

(b) Intentionally sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device except in the following instances:

(1) For emergency purposes;

(2) For less than four minutes in an hourly period; or

(3) For testing of any stationary emergency signaling device which shall occur at the same time of day each time such a test is performed, shall use only the minimum cycle test time and in no case shall exceed four minutes nor shall it occur before 9:00 a.m. or after 5:00 p.m.;

(c) Creating or causing the creation of any sound within any noise sensitive zone, designated pursuant to 2-30-030(18) so as to interfere with the functions of any school, library, hospital, nursing home or other medical facility within the zone. Signs indicating a noise sensitive zone shall be conspicuously posted at the zone's boundaries;

(d) Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance at a residence lot boundary or a residential zoning district boundary or within a noise sensitive zone;

(e) Blowing or causing to be blown any steam whistle as a signal for commencing or suspending work or for any other purpose; provided that this section shall not be construed to prohibit the use of steam whistles as alarm signals in case of fire, collision or other imminent danger;

(f) Using any pile driver, shovel, hammer, derrick, hoist tractor, roller or other mechanical apparatus operated by fuel or electric power in building, construction, repair or demolition operations between the hours of 9:00 p.m. and 8:00 a.m. the following day within 600 feet of any residential building or hospital; provided that this provision shall not apply to any construction, demolition or repair work of an emergency nature or to work on public improvements authorized by a governmental body or agency.

(Prior code § 17-4.6; Added Coun. J. 1-27-88, p. 10081; Amend 12-11-91, p. 10978)

11-4-1160 Motor vehicles.

(a) It shall be unlawful for any person to operate any motor of a motor vehicle with a gross vehicle weight rating (GVWR) greater than 10,000 pounds for a consecutive period longer than two minutes while such vehicle is standing on private property and located within 45 meters of any property zoned and used for residential purposes, except where such vehicle is standing within a completely enclosed structure.

This section shall not apply to buses operated for the transportation of passengers while standing in established bus turnarounds, bus terminals, bus parking lots and bus-storage yards.

(b) No person shall sell or offer for sale a new motor vehicle that produces a maximum noise exceeding the following noise limit at a distance of 15 meters from the centerline of travel under test procedures established by Section 11-4-1330 of this chapter:

TABLE INSET:
Type of Vehicle
Date of Manufacture
Noise Limit dB(A)

(1)
Motorcycle
After 1 Jan. 1975
84
Same
After 1 Jan. 1982
80
Same
After 1 Jan. 1985
78

(2)
Any motor vehicle with a GVWR greater than 10,000 pounds except buses)
After 1 Jan. 1975
84
Same
After 1 Jan. 1978
83
Same
After 1 Jan. 1982
80
Same
After 1 Jan. 1985
77

(3)
Passenger cars, Motor-driven cycle and any other motor vehicle
After 1 Jan. 1975
80
Same
After 1 Jan. 1983
78
Same
After 1 Jan. 1986
75

(4)
Buses with a GVWR greater than 10,000 pounds
After 1 Jan. 1975

84
Same
After 1 Jan. 1983
80
Same
After 1 Jan. 1985
77

The manufacturer, distributor, importer or designated agent shall certify in writing to the commissioner that his vehicles sold within the city comply with the provisions of this section.

(c) No person shall operate within the speed limits specified in this section either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition or grade, load, acceleration or deceleration in such manner as to exceed the following noise limit for the category of motor vehicle, based on a distance not less than 15 meters from the centerline of travel under test procedures established by Section 11-4-350 of this chapter.

This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this Code relating to motor vehicle mufflers for noise control.

TABLE INSET:
Noise Limit in Relation
to Posted Speed Limit
Type of Vehicle
55 KMPH
or Less
Over
55 KMPH

(1)
Any motor vehicle with a GVWR greater than 454 kilograms and any combination of vehicles towed by such motor vehicle after 1 Jan. 1973
86 dB(A)
90 dB(A)

(2)
Any motorcycle other than a motor-driven cycle after 1 Jan. 1978
78 dB(A)
82 dB(A)

(3)
Any other motor vehicle and any combination of motor vehicles towed by such motor vehicle after 1 Jan. 1978
70 dB(A)
79 dB(A)

(d) No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance with this paragraph shall be those used to establish compliance of a new motor vehicle with the requirements of this article.

(Prior code § 17-4.7; Amend 10-5-94, p. 57694)

11-4-1170 Power tools and equipment.

No person shall sell or lease or offer for sale or lease any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 15 meters, under test procedures established by Section 11-4-1350 of this chapter.
Noise

Type of Equipment Limit

(1) Construction and industrial machinery, such as crawler-tractors, dozers, rotary drills, augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic equipment, etc. but not including pile drivers:
Manufactured after 1 Jan. 1972 . . . 94 dB(A)
Manufactured after 1 Jan. 1973 . . . 88 dB(A)
Manufactured after 1 Jan. 1975 . . . 86 dB(A)
Manufactured after 1 Jan. 1982 . . . 83 dB(A)

(2) Agricultural tractors and equipment:
Manufactured after 1 Jan. 1972 . . . 88 dB(A)
Manufactured after 1 Jan. 1975 . . . 86 dB(A)
Manufactured after 1 Jan. 1982 . . . 83 dB(A)

(3) Powered commercial equipment of 20 HP or less intended for infrequent use in a residential area such as chain saws, pavement breakers, log chippers, powered hand tools, etc.:
Manufactured after 1 Jan. 1972 . . . 88 dB(A)
Manufactured after 1 Jan. 1973 . . . 84 dB(A)
Manufactured after 1 Jan. 1980 . . . 80 dB(A)

(4) Powered equipment intended for repetitive use in residential areas, such as lawn mowers, small lawn and garden tools, riding tractors, snow removal equipment, etc.:
Manufactured after 1 Jan. 1972 . . . 74 dB(A)
Manufactured after 1 Jan. 1975 . . . 70 dB(A)
Manufactured after 1 Jan. 1978 . . . 65 dB(A)

(Prior code § 17-4.8)

11-4-1180 Compliance with standards for specific zoning district.

Any property use established in a zoning district as defined and designated under the provisions of the Chicago Zoning Ordinance shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.

(Prior code § 17-4.9)

11-4-1190 Measurement of noise levels.

Noise levels shall be measured in terms of sound pressure level in octave frequency bands used equipment which meets the requirements established by the ordinance. Maximum permissible octave band sound levels as provided hereinafter shall be reduced by five dB for any octave band containing a pure tone as defined in

Section 11-4-120. Impulsive-type noise shall be subject to the performance standards hereinafter prescribed, provided that equipment suitable for such noise measurements, as defined by this ordinance, is used. Noises such as those of an irregular and intermittent nature shall be restricted as provided for hereinafter. (Prior code § 17-4.10)

11-4-1200 Manufacturing districts restricted.

In all instances in which an M2 general manufacturing or M3 heavy manufacturing district does not adjoin a residence or business district, the performance standards governing noise of the M1 restricted manufacturing districts shall apply at the nearest residence or business district boundary line, as these districts are defined and designated under the provisions of the Chicago Zoning Ordinance (Municipal Code of Chicago, Title 17).

(Prior code § 17-4.11)

11-4-1210 Decibel levels--M1-1 to M1-5 districts.

In M1-1 to M1-5 restricted manufacturing zoning districts, inclusive, at no point on the boundary of a residence, business or commercial zoning district shall the sound pressure level of any individual operation or plant or the combined operations of any person, firm or corporation exceed the decibel levels in the designated octave bands shown below for the zoning districts indicated as measured under test procedures established by Section 11-4-1360 of this chapter.

TABLE INSET:
Octave
Band
Center
Frequency
(Hz)
Maximum Sound Pressure
Levels (dB)
Along District Boundaries
Residence
Business-
Commercial

31.5
72
79

63
71
78

125
65
72

250
57
64

500
51
58

1000
45
52

2000
39
46

4000
34
41

8000
32
39

A-scale levels
(for monitoring
purposes)
55 dB(A)
62 dB(A)

In business and commercial zoning districts all activities involving the production, processing, cleaning, servicing, testing, repair of materials, goods, or products or any property use shall conform with the performance standards stated above; provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place.

In residential zoning districts, any property use shall conform with the performance standards stated above for residence district boundaries; provided that preference standards shall in every case be applied at the boundaries of the lot on which such use is established.

The maximum sound pressure level established in this section to be applied to the boundaries of a lot shall not apply to construction sites. Construction site noise shall be regulated by Section 11-4-1150 of this chapter.

(Prior code § 17-4.12)

11-4-1220 Decibel levels--M2-1 to M2-5 districts.

In M2-1 to M2-5 general manufacturing zoning districts, inclusive, at no point either on the boundary of a residence, business or commercial district, or at 40 meters from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant or the combined operations of any person, firm or corporation exceed the decibel levels in the designated octave bands shown below for the zoning districts included as measured under test procedures established by Section 11-4-1360 of this chapter.

TABLE INSET:
Octave
Band
Center
Frequency

(Hz)
Maximum Sound Pressure Levels (dB)
Along District Boundaries

Residence
Business-
Commercial

31.5
72
79

63
71
78

125
66
73

250
60
67

500
54
61

1000
49
55

2000
44
50

4000
40
46

8000
37
43

A-scale levels (for monitoring purposes)
58 dB(A)
64 dB(A)

(Prior code § 17-4.13)

11-4-1230 Decibel levels--M3-1 to M3-5 districts.

In M3-1 to M3-5 heavy manufacturing zoning district, inclusive, at no point either on the boundary of a residence, business or commercial district or at 40 meters from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant, or the combined operations of any person, firm or corporation exceed the decibel levels in the designated octave bands shown below for the zoning districts included as measured under test procedures established by Section 11-4-1360 of this chapter.

TABLE INSET:
Octave
Band
Center
Frequency
(Hz)
Maximum Sound Pressure Levels (dB)
Along District Boundaries

Residence
Business-
Commercial

31.5
75
80

63
74
79

125
69
74

250
64
69

500
58
63

1000
52
57

2000
47
52

4000
43
48

8000
40
45

A-scale levels (for monitoring purposes)
61 dB(A)
66 dB(A)

(Prior code § 17-4.14)

11-4-1240 Vibration standards.

Any property use established in a manufacturing, commercial or business zoning district shall be so operated as to comply with the performance standards governing vibration set forth herein for the

zoning district in which such use shall be located.

(Prior code § 17-4.15)

11-4-1250 Earthshaking vibrations--M1-1 to M1-5 districts.

In M1-1 to M1-5 restricted manufacturing zoning districts, inclusive, any use or portion thereof creating earthshaking vibrations such as are created by drop forges or hydraulic surges shall be controlled in such manner as to prevent transmission beyond the lot line of earthshaking vibrations perceptible without the aid of instruments, except for lot lines adjoining M3 heavy manufacturing zoning district, but in no case shall any such vibration be allowed to create a nuisance or hazard beyond the lot lines.

(Prior code § 17-4.16)

11-4-1260 Earthshaking vibrations--M2-1 to M2-5 districts.

In M2-1 to M2-5 general manufacturing zoning districts, inclusive, any use or portion thereof creating intense earthshaking vibrations such as are created by drop forges or heavy hydraulic surges, shall be set back at least 90 meters from the boundary of a residence, business or commercial zoning district and at least 45 meters from the boundary of an M1 restricted manufacturing zoning district, unless such operation is controlled in such a manner as to prevent transmission beyond the lot lines of earthshaking vibrations perceptible without the aid of instruments.

(Prior code § 17-4.17)

11-4-1270 Vibration--M3-1 to M3-5 districts.

In M3-1 to M3-5 heavy manufacturing zoning districts, inclusive, the performance standards governing vibration in the M2 zoning districts shall apply.

(Prior code § 17-4.18)

11-4-1280 Vibrations--Business and commercial districts.

In business and commercial zoning districts, the performance standards governing vibrations in the M1 zoning districts shall apply.

(Prior code § 17-4.19)

11-4-1290 Motor vehicle horns and audible signal devices.

No person shall sound any horn or audible signal device of any motor vehicle of any kind while not in motion nor shall such horn or signal device be sounded under any circumstances except as required by law nor shall it be sounded for any unnecessary or unreasonable period of time.

(Prior code § 17-4.20)

11-4-1300 Boat operation restrictions.

No person shall operate any engine-powered pleasure vessel, engine-powered craft or motorboat within the harbor of Chicago, on any waterway within the City of Chicago or anywhere within Lake Michigan within two miles of the city corporate limits at any time in such a manner as to exceed the following noise limit, as measured at a distance of not less than 15 meters from the path of travel:
Noise Limit
After 1 January, 1975 76 dB(A)

(Prior code § 17-4.21)

11-4-1310 Recreational and off-highway vehicles.

(a) No person shall sell or offer for sale a new motor-driven recreational or off-highway vehicle, including dune buggies, snowmobiles, all-terrain vehicles, go-carts and minibikes that produces a maximum noise exceeding the following noise limit at a distance of 15 meters from the centerline of travel under test procedures established by Section 11-4-1370 of this chapter.

TABLE INSET:

Type of Vehicle	Date of Manufacture	Noise Limit
Snowmobile	After 1, January, 1971	86 dB(A)
Same	After 1 June, 1972	82 dB(A)
Same	After 1, June, 1974	73 dB(A)
Any other vehicle	After 1 January, 1971	86 dB(A)
including dune buggy, all-terrain	After 1 January, 1973	82 dB(A)
vehicle, go-cart minibike	After 1 January, 1975	73 dB(A)

(b) It shall be unlawful for any person to operate a motor-driven vehicle of a type not subject to registration for road use, at any time or under any condition of load, acceleration or deceleration in such a manner as to exceed the following noise limit at any point on property zoned for business or residential use at a distance of not less than 15 meters from the path of travel:

	Date of Manufacture	Noise Limit
	After 1 January, 1973	.82 dB(A)

(Prior code § 17-4.22)

11-4-1320 Nonapplicability of provisions to public performances.

The operational performance standards established by this ordinance shall not apply to any public performance being conducted in accordance with the provisions of a special permit granted by the city for the conduct of a public performance; provided that this exception does not exempt performers with permits issued under Section 4-268-030 of this Code from the noise limitations of this chapter.

(Prior code § 17-4.23; Amend Coun. J. 7-21-99, p. 9474)

11-4-1330 Test procedures--New motor vehicles.

Test procedures to determine whether maximum noise emitted by new motor vehicles sold or offered for sale meet the noise limits stated in Section 11-4-1160(b) of this chapter shall be in substantial conformity with current revisions of standard

recommended practices established by the Society of Automotive Engineers, Inc., and including SAE Standard J331; SAE Recommended Practice J336; SAE Standard J986; and such other and further standards as may be propounded in the code of recommended practices of the department of the environment.

(Prior code § 17-4.24; Amend Coun. J. 12-11-91, p. 10978)

11-4-1340 Test procedures--In-use motor vehicles.

Test procedures to determine whether maximum noise emitted by motor vehicles in use meet the noise limits stated in Section 11-4-1160(c) of this chapter shall be in substantial conformity with current revisions of standards and recommended practices established by the Society of Automotive Engineers, Inc., including SAE Standard J986; SAE Standard J331; Recommended Practice J366; Recommended J184; and such other and further standards as may be propounded in the code of recommended practice of the department of consumer services.

(Prior code § 17-4.25)

11-4-1350 Test procedures--Powered tools and equipment.

Test procedures to determine whether maximum noise emitted by engine-powered equipment or powered hand tools, sold or leased, or offered for sale or lease, meet the noise limits stated in Section 11-4-1170 of this chapter shall be in substantial conformity with current revisions of standards and recommended practices established by the Society of Automotive Engineers, Inc., including SAE Standard J952; SAE Standard J88; SAE Recommended Practice J184; and such other and further standards as may be propounded in the code of recommended practice of the department of the environment.

(Prior code § 17-4.26; Amend Coun. J. 12-11-91, p. 10978)

11-4-1360 Test procedures--Precision instrumentation.

Test procedures to determine whether maximum noise levels emitted by property uses along property lines and zoning district boundaries meet the noise limits stated in Sections 11-4-1210, 11-4-1220 and 11-4-1230 of this chapter shall be in substantial conformity with revisions of ANSI Standard S1.4-1971; IEC Standard 123-1961; ANSI Standard S1.12-1967; ANSI Standard S1.11-1166; ANSI Standard S1.12-1971; IEC Standard 179-1965; IEC Standard 225-1966; SAE Recommended Practice J184; and such other and further standards as may be propounded in the code of recommended practices of the department of the environment.

(Prior code § 17-4.27; Amend Coun. J. 12-11-91, p. 10978)

11-4-1370 Test procedures--Recreational and off-highway vehicles.

Test procedures to determine whether maximum noise emitted by new motor-driven recreational or off-highway vehicles including dune buggies, snowmobiles, all-terrain vehicles, go-carts and minibikes meet the noise limits stated in Section 11-4-1310 of this chapter shall be in substantial conformity with current revisions of standards and recommended practices established by the Society of Automotive Engineers, Inc., including, SAE Standard J331; SAE Standard J986; SAE Recommended Practice J184; and such other and further standards as may be propounded in the code of recommended practices of the department of the environment.

(Prior code § 17-4.28; Amend Coun. J. 12-11-91, p. 10978)

11-4-1380 Public nuisance declared--Abatement.

Any emission of noise or earthshaking vibration from any source in excess of the limitations established in or pursuant to this article shall be deemed and is hereby declared to be a public nuisance and may be subject to summary abatement procedures. Such abatement may be in addition to the administrative proceedings, fines and penalties herein provided. The commissioner is empowered to secure the institution of legal proceedings through the corporation counsel for the abatement or prosecution of emissions of noise and earthshaking vibration which cause injury, detriment, nuisance or annoyance to the public or endanger the health, comfort, safety or welfare of the public, or cause to have a natural tendency to cause injury or damage to public or property. Such legal proceedings may be in addition to the administrative proceedings, fine and penalties herein provided.

(Prior code § 17-4.29)

11-4-1390 Legal remedy for damage unimpaired.

Nothing in this article shall be construed to impair any cause of action or legal remedy therefor of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise or earthshaking vibration in such place or manner or at such levels, so as to constitute a common law nuisance.

(Prior code § 17-4.30)