

## MANAGEMENT ORDINANCE

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

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

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

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

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

|              |                                    |
|--------------|------------------------------------|
| Article I.   | One Call                           |
| Article II.  | Office of Labor Standards          |
| Article III. | Department of the Environment      |
| Article IV.  | Chicago Police Department Overtime |
| Article V.   | Miscellaneous                      |
| Article VI.  | Severability; Superseder           |
| Article VII. | Effective Dates                    |

### **ARTICLE I. ONE CALL**

**SECTION 1.** Section 10-21-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

#### **10-21-020 Definitions.**

As used in this chapter:

~~"48 hours" means two business days, beginning at 8:00 a.m. and ending at 4:00 p.m., exclusive of Saturdays, Sundays, and the following holidays, as recognized by 811 Chicago: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas. Any locate request received after 4:00 p.m. on a business day will be processed as though it were received at 8:00 a.m. the next business day.~~

*(Omitted text is unaffected by this ordinance)*

"Excavation" means any operation in which earth, rock, or other material located in or on the ground is moved, removed, or otherwise displaced by means of any tools, power equipment or explosives. Excavation includes, but is not limited to, grading, trenching, digging, ditching, drilling, augering, boring, tunneling, scraping, cable or pipe plowing, saw cutting, and driving. Excavation does not include digging with hand tools to a depth below the surface of up to six inches; farm tillage operations; railroad right-of-way maintenance or operations; roadway surface milling; any coal mining operations regulated under the Federal Surface Mining Control and Reclamation Act of 1977 or any state law or rules or regulations adopted under the federal statute; or land surveying operations as defined in the Illinois Professional Land Surveyor Act of

1989 when not using power equipment; to expose or identify underground facilities in furtherance of the completion of a locate request that does not involve the use of power equipment.

"Joint meet" means a meeting of all owners or operators of underground facilities located near the project location to exchange information such as maps, plans, schedules, and to discuss the excavation or demolition work. The joint meet is not a means to provide locates, but a way to coordinate the planned excavation activities.

"Locate request" means a notice initiated by a person engaged in an excavation or demolition, and made through 811 Chicago, asking the persons who own and operate underground facilities to mark their facilities at the planned excavation or demolition site.

*(Omitted text is unaffected by this ordinance)*

"Roadway surface milling" means the removal of a uniform pavement section, not including the base or subbase, by rotomilling, grinding, or other means.

"Two business days" means two consecutive calendar days, excluding Saturdays, Sundays, and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas Day.

"Underground location service" means any entity that charges for the service of locating and marking underground facilities.

**SECTION 2.** Section 10-21-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-21-050 Excavation and demolition requirements.**

- (a) Every person who engages in non-emergency excavation or demolition shall:

*(Omitted text is unaffected by this ordinance)*

- (4) Contact 811 Chicago to request a dig ticket not less than ~~48 hours~~ two business days, but no more than ~~44~~ 10 calendar days, in advance of the start of the excavation or demolition. At a minimum, this request shall provide:

*(Omitted text is unaffected by this ordinance)*

- (D) the type and extent of the work involved.

After making the request, the person undertaking the excavation or demolition will receive from 811 Chicago a valid dig ticket and dig number to be associated with any required permits. Each separate entity involved in an excavation or demolition shall acquire its own dig numbers; a dig number acquired by a primary contractor shall not cover work performed by a subcontractor. It shall be a violation of this subsection (a) for the person undertaking the excavation or demolition to request markings at the same location without having begun excavation or demolition within the ~~44~~ 10-day period after initial marking as indicated in the original notice through 811 Chicago.

- (5) Limit the excavation or demolition to the specific locations, dates, and times contained in the valid dig ticket received from 811 Chicago, and not begin until after:

*(Omitted text is unaffected by this ordinance)*

(C) the approximate location of underground facilities has been marked or within ~~48 hours~~ two business days of receipt of the items listed in subsection (a)(5)(B), or by the requested date and time indicated on the notice, whichever is later.

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Section 10-21-060 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-21-060 Facility marking requirements.**

(a) (1) Once 811 Chicago notifies an owner or operator of an underground facility of a planned excavation or demolition, the persons who own or operate underground facilities in or near the excavation or demolition area, or any underground location service retained for the task, shall retain a written or digital record of the notice, and shall mark, ~~within 48 hours of receipt of the notice, or by the requested date and time indicated on the notice, whichever is later,~~ the approximate location of such underground facility. A mismarked facility shall be a violation of this requirement.

(2) Beginning January 1, 2027, any owner or operator of an underground facility that receives notice of a planned excavation or demolition from 811 Chicago shall respond electronically to the ticket owner via 811 Chicago no later than the requested date and time using the appropriate status code unless an issue beyond reasonable control prevents the owner or operator from responding. Failure to respond with the appropriate status shall be considered a violation of this section.

*(Omitted text is unaffected by this ordinance)*

(c) If a person who owns or operates an underground facility receives a notice under this section but does not own or operate any underground facilities within the proposed excavation or demolition area described in the notice, that person, within ~~48 hours~~ two business days after receipt of the notice or by the requested date and time indicated on the notice, whichever is later, shall so notify 811 Chicago. Notice to 811 Chicago from a facility owner that it does not own facilities at the site of the proposed excavation or demolition shall count as a marked facility.

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** Chapter 10-21 of the Municipal Code of Chicago is hereby amended by adding a new Section 10-21-065, as follows:

**10-21-065 Joint meet.**

- (a) A joint meet notification shall include the following information:
- (1) the name, address, phone number of the person undertaking the excavation or demolition (for purposes of this section, the "digger") at which the digger can be reached, and, if available, a fax number and email address;
  - (2) the place or places where the work will be performed;
  - (3) street names involved in the project or the north, south, east, and west boundaries of the project or the section number or numbers involved in the project;
  - (4) the date, time, and location where the joint meet will take place, which shall be near the project site; and
  - (5) a minimum advance notice of the joint meet of two days, but no more than 60 days prior to the planned start of excavation or demolition.

(b) Upon the receipt of a joint meet notification, an underground facility owner or operator shall attend the joint meet, either in person or remotely, at the specified time and location or inform the digger that it has no underground facilities at the location. If there is a conflict between joint meet notifications, a digger that provided a joint meet notification may receive a communication from an underground facility owner or operator requesting an alternate meeting time or date.

(c) The scope of the project shall be defined at the joint meet and specific project details, including, but not limited to, the number of phases, and the number of excavation crews working for the contractor or subcontractors, to the extent that the information can be determined.

(d) A failure to participate in a joint meet is a violation of this Section 10-21-065.

(e) Joint meet requestors are still required a dig ticket in accordance with Section 10-21-050 prior to excavation.

**SECTION 5.** Section 10-21-110 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-21-110 Penalties.**

(a) Except for the City of Chicago, its departments, and its employees acting in their capacities as such, persons who violate this chapter shall be subject to the following ~~penalties~~ sanctions:

(1) A person who violates Section 10-21-040 shall be subject to a ~~penalty~~ fine of \$100. Each day that a person ~~is required, but fails, to maintain membership in 811 Chicago~~ comply with the requirements of Section 10-21-040 constitutes a separate violation of ~~that section.~~

(2) A person who violates Section 10-21-045, 10-21-050, or 10-21-080 ~~may be fined up to \$1,000 for each separate offense, and in addition shall be sanctioned according to the following schedule:~~

(A) For the first ~~incident~~ determination of liability, the City shall order the responsible person to satisfy training requirements established by CDOT, and shall fine the responsible person up to \$1,000.

(B) For the second ~~incident~~ determination of liability, the City shall fine the responsible person ~~\$1,500~~ \$2,000 and may impose a requirement for mandatory training to be completed.

(C) For the third ~~incident~~ determination of liability, the City shall fine the responsible person \$3,000 and may impose a requirement for mandatory training to be completed.

(D) For the fourth and each subsequent ~~incident~~ determination of liability, the City shall fine the responsible person \$3,500 for the fourth incident, and increase the fine in increments of \$500 for each additional incident, up to a maximum of ~~\$10,000~~ \$5,000 and may impose a requirement for mandatory training to be completed. The Commissioner may also recommend suspension or revocation of a public way work license in accordance with Sections 10-20-130, 10-20-135, and 10-20-140. Emergency excavation shall be allowed to proceed even in the case of license suspension.

(E) For a violation that is found to have been a threat to public safety, a fine of up to \$10,000 shall be imposed as well as a suspension of a public way work license in accordance with Section 10-20-130. Emergency excavation shall be allowed to proceed even in the case of license suspension.

(F) A responsible person who has been found liable for violations sanctioned by this subsection (a)(2) and has complied with the sanctions and requirements imposed after violation may petition the Commissioner no earlier than January 1 of the following

calendar year to reset the sanction schedule so that the first violation after the petition is approved is sanctioned as the first offense and subsequent violations adhere to the schedule above. A responsible person may only petition for a reset once in a calendar year. The Commissioner may reset the sanction schedule after considering the following:

(i) the fines and other orders, such as mandatory trainings, as a result of all 811 Chicago violations, have been paid or complied with;

(ii) the responsible person has an excavation safety plan designed to reduce utility damages;

(iii) the responsible person has requested and received additional trainings with 811 Chicago or other best practice training; and

(iv) the Commissioner has received data showing decreasing damage rates at locations where the responsible person has been active.

(3) A person who owns or operates an underground facility or an underground location service who violates Section 10-21-060: (i) by failing to mark underground facilities shall be subject to fine of \$2,000; (ii) by failing to respond electronically to the owner or operator who initiated a locate request shall be subject to a fine of \$250; (iii) all other violations of Section 10-21-060 or who maintains an incorrect facility map in violation of Section 10-21-060 and 10-21-040 shall be subject to a penalty fine of \$1,000. Each violation of Section 10-21-060 shall be considered a for each separate offense. No such person shall be subject to a ~~penalty fine~~ where a delay in marking or a failure to mark or properly mark the location of an underground facility is caused by conditions beyond the reasonable control of such owner or operator.

(4) A person who violates Section 10-21-070 shall be subject to a ~~penalty fine~~ of not less than \$1,000 nor more than \$5,000 for each separate offense.

(b) Any training requirements ordered shall be completed within 60 days of the order. Failure to satisfy the training requirements within the required time period is a violation of this subsection and will result in a fine of \$50 per day for each calendar day the violation continues up to a maximum of \$5,000. Proof of said training must be transmitted to the Commissioner within 30 days of the completion of the training. In the event that an individual a responsible person fails to get the ordered training, the Commissioner may institute an administrative enforcement action against the individual the responsible person.

**SECTION 6.** Section 10-20-130 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

#### **10-20-130 License suspension.**

In addition to any other penalties that may be imposed under applicable law, a public way work license issued pursuant to this article may be suspended for a period of up to six months if:

(1) a licensee's insurance or letter of credit required by this article is cancelled or is allowed to expire or otherwise lapse and such cancellation, expiration or lapse is not promptly remedied upon written notice sent by certified mail to that licensee; or

(2) ~~the commissioner~~ Commissioner of transportation Transportation is required to draw upon a licensee's letter of credit pursuant to this article; or

(3) ~~the commissioner~~ Commissioner of transportation Transportation receives notification from any city board, commission, department or other city agency that another ~~city~~ City-issued license held by the licensee has been suspended or revoked; or

(4) a licensee is repeatedly issued either a notice provided for in Section 10-20-125 of this article, or a citation pursuant to this article, or any combination of notices and citations, within a license period. The number of notices and/or citations necessary for this subsection to apply shall be set forth in regulations rules promulgated by the ~~commissioner~~ Commissioner of

~~transportation~~ Transportation. If any one or more of a licensee's substantial owners was a substantial owner of another licensee during the license period and that other licensee received a notice provided for in Section 10-20-125, or a citation pursuant to this article, during that license period, such prior notice or citation shall be included in determining the number of notices or citations received by the current licensee; or

(5) a person violated any section of Chapter 10-21 that resulted in a penalty listed in Section 10-21-110(a)(2) and

(A) has been found liable of seven or more violations, or

(B) has a debt due and outstanding as a result of a violation pursuant to that section, or

(C) has failed to complete the mandatory training imposed as a result of a violation pursuant to that section, or

(D) committed a violation that was found to be a threat to public safety pursuant to that section.

**SECTION 7.** Section 10-21-230 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-21-230 Evaluation panel.**

*(Omitted text is unaffected by this ordinance)*

(b) The Evaluation Panel shall consider all Administrative Notices of Violation issued under the following sections of Chapter 10-21: Section 10-21-050(a)(2), (a)(8), (a)(9), and (b)(1); Section 10-21-060; Section 10-21-070; allegations of attempts to repair, clamp, or constrict a damaged underground facility as described in Section 10-21-080; and any that the chairperson refers to it or where a respondent has asked for Evaluation Panel review. ~~this chapter and brought before it, as well as~~ The Evaluation Panel shall also consider any reports, position statements, and evidence transmitted with the Administrative Notice of Violation. For each Administrative Notice of Violation, the Evaluation Panel shall issue a recommendation with stated reasons advising whether the Director should find violations of this chapter and impose penalties and sanctions on any of the relevant persons.

*(Omitted text is unaffected by this ordinance)*

**SECTION 8.** Section 10-21-270 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-21-270 Inspection; Administrative Notice of Violation; Pre-payment.**

(a) The Commissioner shall empower one or more inspectors of CDOT to investigate work sites and claims of violations of this chapter. At an inspector's request, all parties shall cooperate and turn over to the inspector requested information such as, but not limited to, work sheets, photos, permits, reports, and make available relevant personnel to help in his investigation. All facts that parties wish to be considered by the Evaluation Panel shall be turned over to the inspector during his the investigation.

*(Omitted text is unaffected by this ordinance)*

(c) A person to whom an Administrative Notice of Violation has been issued may, within 21 days of issuance, pay the indicated fine, if available. If the fine is not paid within that period, or if advance payment is not available, the Administrative Notice of Violation will either:

(1) be reviewed by the chairperson of the Evaluation Panel, or

(2) go to the Evaluation Panel for review.

(d) Within 30 days after an Administrative Notice of Violation has issued, the respondent may file a defense in the form of a position statement with the inspector for transmission to the Evaluation Panel or the chairperson of the Evaluation Panel. The position statement may include as exhibits all relevant briefs, affidavits, permits, photos, reports and worksheets. Failure to file a position statement or otherwise respond to the Administrative Notice of Violation may result in a default judgement.

**SECTION 9.** Section 10-21-290 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-21-290 Recommendation, determination, and request for review.**

(a) (i) The Evaluation Panel shall consider all Administrative Notices of Violation brought before it. It shall also consider any evidence in support of the Administrative Notice of Violation provided by the inspector including, but not limited to, reports, permits, photos, work sheets, affidavits, and statements in support of positions. When possible, all Administrative Notices of Violation which regard a worksite shall be considered together to avoid piecemeal adjudication. Any panel member whose company or department is cited shall remove himself from consideration of that citation. After consideration of the evidence, the Evaluation Panel shall decide whether liability should be assessed, and, if so, determine an appropriate sanction, all of which it shall recommend to the Director.

(ii) The chairperson of the Evaluation Panel shall review all Administrative Notices of Violation that are not considered by the Evaluation Panel, along with any evidence submitted. After review, the chairperson shall decide whether liability should be assessed, and, if so, determine an appropriate sanction, all of which the chairperson shall recommend to the Director.

(b) Within 30 days of receipt of the ~~Evaluation Panel's~~ recommendation, the Director shall review the ~~Evaluation Panel's~~ recommendation and the record and determine whether to issue a finding of liability and, in the case of a finding of liability, what sanctions to impose. The Director shall issue a determination accepting, rejecting, or otherwise modifying the ~~Evaluation Panel's~~ findings and recommendations. The Director shall provide the respondent notice of the determination, as well as notice of the right to request review of the determination by filing with the Director a written request for review within 30 days of issuance of the notice.

*(Omitted text is unaffected by this ordinance)*

**ARTICLE II. OFFICE OF LABOR STANDARDS**

**SECTION 1.** Section 2-25-120 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-25-120 Rules and regulations.**

The ~~commissioner~~ Commissioner is authorized to adopt such rules ~~and regulations~~ as the ~~commissioner~~ Commissioner may deem necessary or appropriate for the proper administration and enforcement of the provisions of this chapter and the provisions of this Code pertaining to licensing, Article II of Title 6, the procedures of administrative hearings, and other

matters pertaining to the public interest. Such rules ~~and regulations~~ shall be printed and made available at the office of the Department. Provided, however, that if a proposed rule ~~or regulation~~ or amendment to any existing rule ~~or regulation~~ governs public chauffeurs or public passenger vehicles and their operation, the ~~commissioner~~ Commissioner shall give public notice of such proposed rule ~~or regulation~~ or amendment a minimum of 10 business days prior to its effective date in one or more newspapers of general circulation. Such public notice shall include information concerning where the rule ~~or regulation~~ can be reviewed and where comments may be directed.

**SECTION 2.** Section 2-25-200 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**2-25-200 Office of Labor Standards.**

*(Omitted text is unaffected by this ordinance)*

(g) Annual report to City Council – Required. No later than June 1, 2020, and on or before ~~June~~ September 1st of each year thereafter, the Director shall submit to the City Council Committee on Workforce Development, or to its successor committee, a written report describing the activities undertaken by the Office during the previous year, the year being from July 15 to July 14, to implement this section, along with recommendations for improving the efficient and effective enforcement of this section. The chairman of that committee may request the Commissioner or Director, or their respective designees, to appear at a hearing of the committee to explain and respond to questions about such annual report.

**SECTION 3.** Section 6-100-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**6-100-030 Retaliation prohibited.**

(a) It shall be unlawful for any employer to discriminate in any manner or take any adverse action against any individual in retaliation for exercising any right under this article, including, but not limited to, disclosing, reporting, or testifying about any violation of this article or rules promulgated thereunder. Prohibited adverse actions include, but are not limited to, unjustified termination, unjustified denial of promotion, unjustified negative evaluations, punitive schedule changes, punitive decreases in the desirability of work assignments, and other acts of harassment shown to be linked to such exercise of rights.

(b) A violation of this section shall result in a fine of not less than \$1,000.00 and not more than \$1,500.00 in addition to any other fines or relief.

**SECTION 4.** Sections 6-105-080 and 6-110-100 of the Municipal Code of Chicago, which prohibited retaliation for those respective chapters, are hereby repealed.

**SECTION 5.** Section 6-105-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**6-105-010 Definitions.**

For purposes of this chapter, the following definitions apply:

*(Omitted text is unaffected by this ordinance)*

"Covered Employee" means an Employee who, in any particular two-week period, performs at least two hours of work for an Employer while physically present within the geographic boundaries of the City. For purposes of this definition, time spent traveling in the City that is compensated time, including, but not limited to, deliveries, sales calls, and travel related to other business activity taking place within the City, shall constitute work while physically present within the geographic boundaries of the City; however, time spent traveling in the City that is uncompensated commuting time shall not constitute work while physically present within the geographic boundaries of the City. All Domestic Workers, including Domestic Workers employed by Employers with fewer than four Employees, shall be Covered Employees.

"Covered Employee" does not include any individual permitted to work:

(a) as a camp counselor employed at a day camp if the camp counselor is paid a stipend on a one time or periodic basis and, if the camp counselor is a minor, the minor's parent, guardian or other custodian has consented in writing to the terms of payment before the commencement of such employment;

(b) while subject to subsection 4(a)(2) of the Minimum Wage Law, with the exception of the categories of Employees described in subsections 4(a)(2)(A) and 4(a)(2)(B) of the Minimum Wage Law, who shall be entitled to the Wages that their Employer shall otherwise pay under Section 6-105-020(b) and 6-105-030 above, whichever applies, as well as the overtime compensation described in Section 6-105-040; and

(c) for any governmental entity other than the City and its Sister Agencies.

(d) ~~(i) All Domestic Workers, including Domestic Workers employed by Employers with fewer than four Employees, shall be Covered Employees.~~

(ii) in any of the following categories: (A) as an outside salesman; (B) as a member of a religious corporation or organization; (C) at, and employed by, an accredited Illinois college or university at which the individual is a student who is covered under the Fair Labor Standards Act, as amended; (D) for a motor carrier and with respect to whom the U.S. Secretary of Transportation has the power to establish qualifications and maximum hours of service under the provisions of Title 49 U.S.C. or the State of Illinois under Section 18b-105 (Title 92 of the Illinois Administrative Code, Part 395 - Hours of Service of Drivers) of the Illinois Vehicle Code.

Except ~~as provided in (d)(i) for Domestic Workers,~~ "Covered Employee" does not include any individual permitted to work for an Employer who has fewer than four Employees.

**SECTION 6.** Section 6-120-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**6-120-020 Contracts for domestic workers.**

All employers of Domestic Workers, ~~as that term is defined in Section 6-105-010,~~ shall provide a written contract to the Domestic Worker, setting forth the ~~wage~~ Wage, ~~as defined in Section 6-100-010,~~ and the Work Schedule, as that term is defined in Section 6-110-020, agreed upon between the employer and the Domestic Worker. The employer shall provide the written contract to the Domestic Worker in the Domestic Worker's primary language, upon that Domestic Worker's request.

**ARTICLE III. DEPARTMENT OF THE ENVIRONMENT**

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

## **2-31-020 Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings:

(1) "Climate Action Plan" means an inclusive, equitable, and ambitious plan for reduction of greenhouse gas emissions in the City, developed and issued publicly from time to time by the Chief Sustainability Officer and serving as the City's official climate change mitigation and adaptation strategy and implementation plan, including for all City departments and offices.

(2) "Climate justice" means the movement to address the disparity between who is causing the climate crisis and who is most impacted by such climate crisis.

(3) "Community resilience" means the sustained ability of a community to use available resources to respond to, withstand, and recover from adverse situations.

(4) "Decarbonization" means the process of stopping or reducing carbon gases, especially carbon dioxide, from being released into the atmosphere.

(5) "Department" means the Department of the Environment established under this chapter.

(6) "Environmental equity" means an outcome and a process that results in fair and just access to environmental opportunities and resources as well as fair and just distribution of climate and environmental risks, such that all City residents have the ability to thrive.

(7) "Environmental requirements" means all local, state and federal environmental laws and regulations.

(8) "Environmentally significant projects and activities" means any project, activity or purchase undertaken by the City which:

(i) Requires the City to submit an Environmental Impact Statement, Environmental Assessment or statement of Finding of No Significant Impact to a state or federal agency, or for which an environment permit or license is required under applicable environmental requirements;

(ii) Involves construction or major rehabilitation (other than routine maintenance and repair) of buildings owned or leased, in whole or in part, by the City;

(iii) Involves the acquisition or disposition of real property by the City; or

(iv) Involves alterations to, construction, demolition, excavation, placement of fill on or in or discharges into: (A) Lake Michigan and all other bodies of water within the City;

(B) shorelines and riverbanks; (C) the Lake Michigan lakefront; (D) parks or other public open space; (E) wetlands; (F) floodplains; and (G) floodways.

(9) "Green economy" means an economic sector that is low carbon, resource efficient, and socially inclusive. In a green economy, growth in employment and income are driven by public and private investment into such economic activities, infrastructure, and assets that allow reduced carbon emissions and pollution, enhanced energy and resource efficiency, and prevention of the loss of biodiversity and ecosystem services.

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

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

(1) To develop a coordinated and comprehensive equity-focused environmental policy agenda for the City aimed at protecting residents and conserving the City's natural resources, to encourage and promote the resiliency, adaptation, and long-term sustainability of the City's streets, built environment, parkways, waterways, natural areas, and shoreline for the benefit of all residents;

(2) To provide strategic coordination and guidance for systematic reform of processes, practices, and functions for the City aimed at advancing sustainability, environmental justice, community resilience, and climate mitigation;

(3) To guide City departments in creating, monitoring, and reporting on climate and environmental policy and programs in order to achieve the goals of the City's Climate Action Plan and other regional, state, national, and international climate agreements;

(4) To develop a coordinated and comprehensive energy policy and initiatives for the City to improve energy efficiency and decarbonization across the City and encourage innovation in renewable energy and affordability and access in the generation, storage, distribution, conversion, and consumption of energy;

(5) To develop policies and plans for waste reduction, diversion, and improved recycling policies and programs throughout the City, and to advance policies and recommendations consistent with the Chicago waste strategy;

(6) To encourage and conduct studies, investigations and research relating to the physical, chemical, engineering, meteorological, and other aspects of environmental management, planning, and mitigation, independently or in conjunction with other federal, state, and local agencies and organizations, City departments and sister agencies, as the Chief Sustainability Officer may deem advisable and necessary;

(7) To develop plans and proposals for joint cooperative investigation and research with public and private agencies and organizations on methods for reducing or eliminating land, air, and water pollution, with the goal of reducing emissions, advancing climate and environmental justice, and improving quality of life for all residents;

(8) To educate and communicate to City departments, other governmental bodies, community and civic organizations, and the public as to the status and progress of the City of Chicago's sustainability and environmental and climate justice efforts, as well as opportunities for collaboration and innovation;

(9) To function as the City's central source for such research, literature, educational materials and other information regarding land, air and water pollution, energy efficiency and innovation, climate change, city-wide sustainability and environmental protection;

(10) To collaborate and partner with sister agencies and non-governmental bodies in developing policies, initiatives, and planning efforts aimed at integrating equity and racial justice goals into mitigating climate change and accelerating an equitable green economy;

(11) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business, and civic and community groups to implement environmental enhancement, protection, and sustainability programs, and to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto;

(12) To oversee the implementation of public utility franchise agreements; and

(13) To operate, oversee, and maintain the City's opt-out electricity aggregation program.;

(14) To supervise the execution of and implement all laws, ordinances, and rules pertaining to environmental protection and control as provided in Chapter 11-4 of the Municipal Code of Chicago;

(15) To institute necessary proceedings to prosecute violations of Chapter 11- 4, and all other provisions of this Code which the Chief Sustainability Officer is expressly

authorized to enforce, and otherwise to compel the prevention and abatement of the issuance of smoke or gases, solids or liquids or other matter causing air or water pollution, and nuisances arising therefrom;

(16) To examine and approve the plans of fuel-burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution devices installed, constructed, reconstructed, repaired or added to in any building, location or on any premises within the City as herein provided to assure that they are in accordance with the requirements of Chapter 11-4;

(17) To make inspections of newly installed, constructed, reconstructed, repaired or altered fuel-burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution control devices, storage tanks and waste handling facilities, and to make annual or periodic inspections to determine whether compliance is being had with the provisions of Chapter 11-4;

(18) To investigate complaints of violations of Chapter 11-4 and to make inspections and observations of environmental conditions;

(19) To issue rules necessary or proper for the implementation of environmental ordinances and to accomplish the purposes of Chapter 11-4 pursuant to Section 2-31-070, and to publish a code of recommended practices under which Chapter 11-4 is to be administered, providing with clarity and in detail the necessary information by which the public is to be guided and to establish standards of quality;

(20) To publish adopted rules or standards and the code of recommended practices in a convenient form;

(21) To prepare and maintain a record of all orders issued by the Department;

(22) To issue all permits, certificates, notices or other documents required under the provisions of Chapter 11-4;

(23) To issue an emergency or a non-emergency cessation order or an emergency or a non-emergency abatement order in accordance with the provisions of Section 11-4-025 of this Code;

(24) To enforce the provisions of Section 15-28-755 of this Code;

(25) To encourage and conduct studies, investigations and research, including joint cooperative investigation and research with public and private agencies and organizations, relating to the environmental protection authorities conferred on the Chief Sustainability Officer pursuant to this section, as the Chief Sustainability Officer may deem advisable and necessary;

(26) To advise, consult and cooperate with other agencies of the state and federal governments, and other governmental agencies to advance environmental protection in furtherance of the purposes of Chapter 11-4 of this Code;

(27) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups to implement the environmental protection powers and duties conferred on the Chief Sustainability Officer pursuant to this section, and to implement pharmaceutical and other waste disposal programs, as the Chief Sustainability Officer may deem advisable and necessary, and to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto;

(28) Subject to the approval of the Corporation Counsel, to negotiate and execute on behalf of the City a lease, right of entry or other agreement authorizing the City to use or occupy, on a temporary basis, land owned or controlled by another person for purposes of conducting an inspection, investigation, remediation, or other

activities authorized in this section;

(29) To participate or otherwise engage in the City's emergency preparedness and emergency response activities;

(30) To conduct advisory evaluations of environmentally significant projects and activities, including a review for compliance with environmental requirements and the environmental policy implications of such projects and activities, and to provide such evaluations to the Mayor;

(31) Subject to approval of the Corporation Counsel, to negotiate and execute, on behalf of the City, leases, rights-of-entry agreements or other agreements authorizing the temporary use or occupation of City property by others for purposes of conducting environmental assessments, remediation or related activities authorized by this chapter. Notwithstanding any law or mayoral executive order to the contrary, a party that enters into a temporary use or occupancy agreement with the City pursuant to this subsection (a)(31) shall:

(A) not be required to provide to the City economic disclosure statements, as defined in Section 2-51-010, in connection with such agreement;

(B) be required to provide to the City the following information in a form prescribed by the Chief Sustainability Officer:

(I) a list of:

(i) the party's family members or relatives who are currently employed by the City; and

(ii) elected City officials to whom the party, or any person hired by the party to perform work on the real property in connection with such agreement (for purposes of this section, any such person, a "contractor"), has provided income, compensation, or donations during the 12-month period preceding the date of the party's application to enter into the agreement, and the amount of the income, compensation, or donations given to each City official;

(II) a statement certifying that:

(i) no City official or City employee has a financial interest, as defined in Section 2-156-010, in the party or any contractor; and

(ii) neither the party nor any contractor is delinquent in the payment of any fine, fee, tax, or other source of indebtedness owed to the City, nor is the party or any contractor delinquent in the payment of any tax administered by the Illinois Department of Revenue;

(C) return the property to the City in the same condition as prior to occupancy at the conclusion of the agreement; and

(D) be required to obtain proper permits for all activities on the property;

(32) To encourage and conduct studies, investigations and research, including joint cooperative investigations and research with public and private agencies and organizations, relating to brownfields redevelopment, as the Chief Sustainability Officer may deem necessary or advisable;

(33) To advise, consult and cooperate with other agencies of the state and federal governments and other governmental agencies regarding brownfields redevelopment;

(34) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups to implement contaminated sites remediation and waste disposal programs; and to enter into and execute all other instruments and perform any and all acts,

including the allocation and expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto;

(35) To enter into intergovernmental agreements to implement the City's environmental review obligations under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4312 - 4347 and the National Historic Preservation Act, 54 U.S.C. §§ 300101, et seq.; and

(36) To do any and all other acts which may be necessary for the implementation of other powers conferred on the Chief Sustainability Officer under this Code.

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

#### **2-31-047 Chicago Shoreline Advisory Board.**

(a) Establishment, membership, organization. There is hereby established the Chicago Shoreline and Advisory Board to address public education and consider shoreline resiliency and conservation. The board shall consist of up to 12 members. The following, or their designees, shall serve as ex officio members: (i) the Chief Sustainability Officer, or successor position; (ii) the Chair of the Committee on Environmental Protection and Energy, or its successor committee; (iii) a representative from the Mayor's Office who oversees the City's infrastructure policies; (iv) the Commissioner of the Department of Transportation, or successor position; (v) the Budget Director, or successor position; (vi) the Executive Director of the Office of Emergency Management and Communications, or successor position; (vii) the Commissioner of the Department of Planning and Development, or successor position; (viii) the Commissioner of the Department of Water Management, or successor position; and (ix) the General Superintendent and Chief Executive Officer of the Chicago Park District, or successor position, subject to acceptance of the appointment. Subject to approval by the City Council, the Mayor shall appoint representatives from three nongovernmental organizations that engage in issues affecting the Great Lakes and shoreline conservation. The Mayor shall designate ~~ex officio members as~~ one member as Chairperson and one member as Vice-Chairperson of the Board. The Department of Environment shall be responsible for the overall management of the Board and will coordinate with the Chairperson, Vice-Chairperson, and any secretary the Chairperson may designate to identify responsible parties for scheduling, notetaking, and other duties that the Chairperson delegates.

Members shall not be compensated for their service on the board. The three nongovernmental appointees shall be appointed and hold office as follows: one to be appointed for two years and two to be appointed for four years and until their successors are appointed and qualified. Members thereafter appointed shall serve for four years, except that in case of vacancy, appointments shall be made for the unexpired term. The terms of members from governmental entities shall coincide with their terms of public service.

The board shall meet quarterly, or as recommended by the Chair. Additional meetings may be called by a majority of the board. A majority of members of the board shall constitute a quorum.

(b) *Powers and duties.* The board shall have the following powers and duties:

(1) Receive and review any shoreline conservation and management plans created by governmental subject matter experts and opine on such plans if requested by the Mayor or the City Council through the Committee on Environmental Protection and Energy or its successor committee.

(2) Facilitate public education on factors impacting the Chicago shoreline, including the impacts of shoreline erosion, climate change, and other environmental challenges, and conduct public outreach, as necessary, related to any proposed shoreline management projects, planning, or policies.

(3) Research, assess, and advise on plans, policies, procedures, and guidance documents related to managing, protecting, and maintaining the City's shoreline.

(4) Identify and recommend to the City Council proposed policies to enhance the City's shoreline resiliency and conservation.

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

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

(b) The Chief Sustainability Officer and the Department of the Environment shall assume all rights, powers, duties, obligations, and responsibilities of the Commissioner and Department of Business Affairs and Consumer Protection related to Building Energy Use Benchmarking, as described in Chapter 18-14 of this Code, including:

(1) All books and records related to Building Energy Use Benchmarking;

(2) The administration of any federal, state, local, or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to Building Energy Use Benchmarking; and

(3) The rights and duties under existing contracts related to Building Energy Use Benchmarking.

All rules issued by the Commissioner of the Department of Business Affairs and Consumer Protection relating to Building Energy Use Benchmarking, in effect as of January 1, 2025, shall remain in effect until amended or repealed by the Chief Sustainability Officer.

(c) The Chief Sustainability Officer and the Department of the Environment shall assume all rights, powers, duties, obligations, and responsibilities of the Commissioner and Department of Fleet and Facility Management related to brownfields redevelopment, public utility franchise agreements implementation oversight, and the operation, oversight, and maintenance of the City's opt-out electricity aggregation program, including:

(1) All books and records related to brownfields redevelopment, public utility franchise agreements implementation oversight, and the operation, oversight, and maintenance of the City's opt-out electricity aggregation program;

(2) The administration of any federal, state, local, or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to brownfields redevelopment, public utility franchise agreements implementation oversight, and the operation, oversight, and maintenance of the City's opt-out electricity aggregation program; and

(3) The rights and duties under existing contracts related to brownfields redevelopment, public utility franchise agreements and the operation, oversight, and maintenance of the City's opt-out electricity aggregation program.

All rules issued by the Commissioner of the Department of Fleet and Facility Management relating to: (i) public utility franchise agreements implementation oversight, or the operation, oversight, and maintenance of the City's opt-out electricity aggregation program, in effect as of January 1, 2025, or (ii) related to brownfields redevelopment in effect as of January 1, 2026, shall remain in effect until amended or repealed by the Chief Sustainability Officer.

(d) The Chief Sustainability Officer and the Department of the Environment shall assume all rights, powers, duties, obligations and responsibilities of Commissioner and the Department of Public Health related to environmental permitting and enforcement, including:

(1) All personnel, books, records, property and funds related to environmental permitting and enforcement;

(2) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to environmental permitting and enforcement; and

(3) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to environmental permitting and enforcement.

All rules issued by the Commissioner of Public Health relating to environmental permitting and enforcement, in effect as of January 1, 2026, shall remain in effect until amended or repealed by the Chief Sustainability Officer.

#### **2-31-060 Responsibilities of City departments and agencies.**

All City departments and agencies shall, at the earliest possible date, provide to the Chief Sustainability Officer notification of involvement in environmentally significant activities as defined in Section 2-31-020.

#### **2-31-070 Adoption of environmental rules.**

The Chief Sustainability Officer is authorized to issue rules necessary or proper for the administration or enforcement of environmental ordinances. The Chief Sustainability Officer shall not enact any rule until the Chief Sustainability Officer holds a public hearing on such rule or until the Chief Sustainability Officer provides an opportunity for the public to submit comments in written or electronic form. If the Chief Sustainability Officer holds a public hearing, the Chief Sustainability Officer shall give not less than ten (10) calendar days' notice of the time and place of such hearing by publication in a prominent location on the Department's website. The Chief Sustainability Officer shall also e-mail notices of all public hearings to persons who file a request with the Department for notice of the Chief Sustainability Officer's intention to issue such rules. If the Chief Sustainability Officer solicits written or electronically submitted comments, the Chief Sustainability Officer shall give public notice by e-mailing a notice of the solicitation of comments to all persons who file such a request with the Department and by publishing such notice in a prominent location on the Department's website with the text of the proposed rule. The Chief Sustainability Officer shall accept written or electronically submitted comments for a period of not less than thirty (30) calendar days from the date of the notice, which period may be reasonably extended at the discretion of the Chief Sustainability Officer. However, the Chief Sustainability Officer shall have the power to make reasonable administrative and procedural rules interpreting or clarifying the requirements that are specifically prescribed in Chapter 11-4 of this Code, without notice, hearing or solicitation of written or electronically

submitted comments.

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

**2-51-010 Definitions.**

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

"Commissioner" means the Commissioner of Fleet and Facility Management or the Commissioner's designee.

"Department" means the Department of Fleet and Facility Management.

"Economic Disclosure Statements" means economic disclosure statements, affidavits, and pledges filed with the City by parties that seek a City action, as defined in Section 2-154-015, using the form document commonly referred to as "Economic Disclosure Statement and Affidavit" (or any successor to such form document), as amended, pursuant to, among other applicable laws and executive orders, Chapter 2-154, Section 2-92-325, Section 2-92-415, Section 2-92-585, and Section 5-24-020 of the Code.

~~"Environmental requirements" means all local, state and federal environmental laws and regulations.~~

~~"Environmentally significant projects and activities" means any project, activity or purchase undertaken by the City which:~~

~~(1) — Requires the City to submit an Environmental Impact Statement, Environmental Assessment or statement of Finding of No Significant Impact to a state or federal agency, or for which an environment permit or license is required under applicable environmental requirements;~~

~~(2) — Involves construction or major rehabilitation (other than routine maintenance and repair) of buildings owned or leased, in whole or in part, by the City or contracts for the procurement of energy-consuming equipment;~~

~~(3) — Involves vehicle acquisitions or leases and the purchase of vehicle fuels;~~

~~(4) — Involves the collection, sorting, recycling, disposal, or volume reduction of waste, which is the responsibility of the City to collect or the collection of which is regulated by the City; or~~

~~(5) — Involves alterations to, construction, demolition, excavation, placement of fill on or in or discharges into: (i) Lake Michigan and all other bodies of water within the City; (ii) shorelines and riverbanks; (iii) the Lake Michigan lakefront; (iv) parks or other public open space; (v) wetlands; (vi) floodplains; and (vii) floodways.~~

"Fleet" means any automobiles, vehicles, light-, medium- and heavy-duty trucks, and related motorized or non-motorized equipment owned or leased by the City for use by any City department or agency.

"Fleet maintenance system" means an on-line inventory management system to monitor inventory of fleet acquisitions, repairs, maintenance and mileage.

"Fuel management system" means an on-line inventory management system to monitor use and expenditure of non-emergency fuel.

"Safety-enhancing equipment" means motor vehicle equipment that has the potential to reduce traffic fatalities and injuries. The term "safety-enhancing equipment" includes but is not limited to lateral protective devices, crossover mirrors or convex mirrors, as these terms are defined in Section 2-92-597.

"Temporary Occupancy Agreement" means any lease, right-of-entry agreement or other document evidencing an agreement for the use and occupancy of real property, which may include terms providing for indemnification, for a term not to exceed 180 days.

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

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

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

~~(1) All personnel, books, records, property and funds related to energy, utilities and brownfields redevelopment;~~

~~(2) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to energy, utilities and brownfields redevelopment; and~~

~~(3) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to energy, utilities and brownfields redevelopment.~~

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

## **2-51-050 Commissioner of Fleet and Facility Management – Powers and duties – Rulemaking.**

(a) Duties and responsibilities. The Commissioner of Fleet and Facility Management shall have the following duties and responsibilities:  
*(Omitted text is not affected by this ordinance)*

(12) Subject to approval of the Corporation Counsel as to form and legality, and except as otherwise provided in this subsection, to negotiate and execute on behalf of the City any temporary occupancy agreement. When a temporary occupancy agreement is entered into, the Commissioner shall notify the alderman of the ward in which the real property is located. Provided, however, that no extension, renewal, or continuation of such initial agreement shall extend beyond a total of 180 days without City Council approval. Provided further, that the Commissioner's power to negotiate and execute on behalf of the City any lease, right-of-entry agreement or other agreement for the use and occupancy of real property

within the Chicago Riverwalk, including concession agreements for food, beverages, goods and services within the Chicago Riverwalk, shall be governed by Section 10-36-145. Notwithstanding any law or mayoral executive order to the contrary, a party that enters into a temporary occupancy agreement with the City pursuant to this subsection (a)(12) shall:

(A) not be required to provide to the City economic disclosure statements in connection with such agreement; be required to provide to the City the following information in a form prescribed by the Commissioner:

(i) a list of:

(a) the party's family members or relatives who are currently employed by the City; and

(b) elected City officials to whom the party, or any person hired by the party to perform work on the real property in connection with such agreement (for purposes of this section, any such person, a "contractor"), has provided income, compensation, or donations during the 12-month period preceding the date of the party's application to enter into the agreement, and the amount of the income, compensation, or donations given to each City official;

(ii) a statement certifying that:

(a) no City official or City employee has a financial interest, as defined in Section 2-156-010, in the party or any contractor; and

(b) neither the party nor any contractor is delinquent in the payment of any fine, fee, tax, or other source of indebtedness owed to the City, nor is the party or any contractor delinquent in the payment of any tax administered by the Illinois Department of Revenue;

(B) return the property to the City in the same condition as prior to occupancy at the conclusion of the agreement; and

(C) be required to obtain proper permits for all activities on the property;

*(Omitted text is not affected by this ordinance)*

~~(34) [Reserved] To conduct advisory evaluations of environmentally significant projects and activities within or affecting the City, which are undertaken by City departments or agencies, including a review for compliance with environmental requirements and the environmental policy implications of such activities, and to provide such evaluations to the Mayor;~~

~~(35) [Reserved] Subject to approval of the Corporation Counsel, to negotiate and execute, on behalf of the City, leases, rights-of-entry agreements or other agreements authorizing the temporary use or occupation of City property by others for purposes of conducting environmental assessments, remediation or related activities authorized by this chapter;~~

(36) Subject to approval of the Corporation Counsel, to negotiate and execute, on behalf of the City, leases, rights-of-entry agreements or other agreements authorizing the City to use or occupy, on a temporary basis, land owned or controlled by another for purposes of conducting an inspection, investigation or other activities authorized by this chapter;

~~(37) [Reserved] To encourage and conduct studies, investigations and research, including joint cooperative investigations and research with public and private agencies and organizations, relating to energy efficiency and brownfields redevelopment, as the Commissioner may deem necessary or advisable;~~

~~(38) [Reserved] To advise, consult and cooperate with other agencies of the state and federal governments and other governmental agencies to advance energy efficiency and brownfields redevelopment;~~

(39) ~~[Reserved] To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups to implement contaminated sites remediation and waste disposal programs; and to enter into and execute all other instruments and perform any and all acts, including the allocation and expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto;~~

(40) To participate or otherwise engage in the City's emergency preparedness and emergency response activities;

(41) ~~[Reserved] To enter into intergovernmental agreements to implement the City's environmental review obligations under the National Environmental Policy Act of 1969, 42 U.S.C.~~

~~§§ 4312 – 4347 and the National Historic Preservation Act, 54 U.S.C. §§ 300101, et seq.;~~

*(Omitted text is not affected by this ordinance)*

#### **~~2-51-080 Responsibilities of municipal departments and agencies.~~**

~~All municipal departments and agencies shall, at the earliest possible date, provide to the Commissioner notification of involvement in environmentally significant activities as defined in Section 2-51-010, and shall cooperate with the Commissioner to effectuate the purposes of this chapter.~~

**SECTION 3.** Chapter 2-112 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

#### **~~2-112-070 Adoption of health and environmental rules.~~**

(a) The Commissioner is authorized to issue rules necessary or proper for the administration or enforcement of health ordinances, including but not limited to the provisions of this Code pertaining to the regulation of food establishments, including Chapters 4-8, 7-38, 7-40, and 7-42 of this Code, ~~and for the administration or enforcement of environmental ordinances.~~ The Commissioner shall not enact any rule, except those emergency rules described in subsection (b), until the Commissioner holds a public hearing on such rule or until the Commissioner provides an opportunity for the public to submit comments in written or electronic form. If the Commissioner holds a public hearing, the Commissioner shall give not less than ten

(10) calendar days' notice of the time and place of such hearing by publication in a prominent location on the Department's website. The Commissioner shall also e-mail notices of all public hearings to persons who file a request with the Department for notice of the Commissioner's intention to issue such rules. If the Commissioner solicits written or electronically submitted comments, the Commissioner shall give public notice by e-mailing a notice of the solicitation of comments to all persons who file such a request with the Department and by publishing such notice in a prominent location on the Department's website with the text of the proposed rule. The Commissioner shall accept written or electronically submitted comments for a period of not less than thirty (30) calendar days from the date of the notice. However, the Commissioner shall have the power to make reasonable administrative and procedural rules interpreting or clarifying the requirements that are specifically prescribed in this chapter and Chapters 4-8, 7-38, 7-40, ~~and 7- 42, and 11-4~~ of this Code, without notice, hearing or solicitation of written or electronically submitted comments.

(b) The requirements for notice, hearing, and solicitation of comments shall not apply when immediate effectiveness is required to address an imminent or actual emergency. As soon as practicable after promulgation, such emergency rules shall be

published on the Department's public website with notice that they are in force in the City.

**2-112-120 [Reserved.] Transfer of rights, powers and duties.**

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

~~(a) All personnel, books, records, property and funds related to permitting and enforcement;~~

~~(b) The administration of any federal, state, local or private grant or loan programs, except to the extent prohibited by the grantor or grant agreement, related to permitting and enforcement; and~~

~~(c) The rights and duties under existing contracts, appropriations, grant agreements, redevelopment agreements, leases, indentures or other agreements or ordinances related to permitting and enforcement.~~

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

**2-112-110 Commissioner – Additional powers and duties.**

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

(a) Public health related powers and duties:

*(Omitted text is not affected by this ordinance)*

~~(b) Environmental protection powers and duties:~~

~~(1) To supervise the execution of and implement all laws, ordinances, and rules pertaining to environmental protection and control as provided in Chapter 11-4 of the Municipal Code of Chicago;~~

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

~~(3) To examine and approve the plans of fuel-burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution devices installed, constructed, reconstructed, repaired or added to in any building, location or on any premises within the City of Chicago as herein provided to assure that they are in accordance with the requirements of Chapter 11-4;~~

~~(4) To make inspections of newly installed, constructed, reconstructed, repaired or altered fuel-burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution control devices, storage tanks and waste handling facilities, and to make annual or periodic inspections to determine whether compliance is being had with the provisions of Chapter 11-4;~~

~~(5) To investigate complaints of violations of Chapter 11-4 and to make inspections and observations of environmental conditions;~~

~~(6) To issue rules necessary or proper for the implementation of environmental ordinances and to accomplish the purposes of Chapter 11-4 pursuant to Section 2-112-070, and to publish a code of recommended practices under which Chapter 11-4 is to be administered, providing with clarity and in detail the necessary information by which the public is to be guided and to establish standards of quality;~~

~~(7) To publish adopted rules or standards and the code of~~

recommended practices in a convenient form;

~~(8) To prepare and maintain a record of all orders issued by the Department;~~

~~(9) To issue all permits, certificates, notices or other documents required under the provisions of Chapter 11-4;~~

~~(10) To issue an emergency or a non-emergency cessation order or an emergency or a non-emergency abatement order in accordance with the provisions of Section 11-4-025 of this Code and abate conditions that create a threat to public health;~~

~~(11) To enforce the provisions of Section 15-28-755 of this Code;~~

~~(12) To encourage and conduct studies, investigations and research, including joint cooperative investigation and research with public and private agencies and organizations, relating to the environmental protection authorities conferred on the Commissioner pursuant to subsection (b) of this section, as the Commissioner may deem advisable and necessary;~~

~~(13) To advise, consult and cooperate with other agencies of the state and federal governments, and other governmental agencies to advance environmental protection in furtherance of the purposes of Chapter 11-4 of this Code;~~

~~(14) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups to implement the environmental protection powers and duties conferred on the Commissioner pursuant to subsection (b) of this section, and to implement pharmaceutical and other waste disposal programs, as the Commissioner may deem advisable and necessary, and to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto;~~

~~(15) Subject to the approval of the Corporation Counsel, to negotiate and execute on behalf of the City a lease, right of entry or other agreement authorizing the City to use or occupy, on a temporary basis, land owned or controlled by another for purposes of conducting an inspection, investigation, remediation, or other activities authorized in subsection (b) of this section;~~

~~(16) To participate or otherwise engage in the City's emergency preparedness and emergency response activities.~~

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

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

**4-6-040 Laundry service.**

*(Omitted text is not affected by this ordinance)*

(g) Departmental duties – Inspections.

(1) ~~The department of business affairs and consumer protection~~  
Department of Business Affairs and Consumer Protection, ~~the department of buildings~~  
Department of Buildings and ~~the department of health~~ Department of the Environment are

hereby authorized to inspect or to cause to be inspected any laundry service licensed or required to be licensed under this chapter for compliance with the requirements of this Code.

*(Omitted text is not affected by this ordinance)*

**SECTION 5.** Chapter 4-108 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

**4-108-150 Remedies not exclusive.**

In addition to any other remedies, penalties or means of enforcement provided herein, if the ~~commissioner of health~~ Chief Sustainability Officer on due investigation determines that compliance has not been made, ~~he~~ the Chief Sustainability Officer may request the ~~corporation counsel~~ Corporation Counsel to make application on behalf of the city to the Circuit Court of Cook County for an injunction requiring compliance with the provisions of this chapter and for such other order as the court may deem necessary or appropriate to secure compliance. The ~~corporation counsel~~ Corporation Counsel may then institute proceedings on behalf of the city, as provided by law.

**4-108-160 Interference unlawful.**

It shall be unlawful for any person to interfere with or hinder or prevent the ~~commissioner of health~~ Chief Sustainability Officer from discharging any duty in the enforcement of this chapter.

**4-108-350 Spill or overfill containment and cleanup requirement.**

(A) Each operator shall contain and immediately clean up a spill or overfill from a U.S.T. system, as follows:

(1) The operator shall immediately place an absorbent on any spilled material, overflow, and/or contaminated area to prevent the spread of the spilled material or overflow.

(2) The operator shall immediately clean up all spilled material and overflows to eradicate all stains and residue.

(3) The waste generated by the cleanup required by this section shall be disposed of in accordance with applicable federal, state, and local laws and regulations.

(4) The operator shall keep records of the cleanup and waste disposal required by this section onsite for three years after any cleanup, and, upon request, shall make such records available to the ~~Commissioner of Health~~ Chief Sustainability Officer or the ~~Commissioner's~~ Chief Sustainability Officer's designee.

(B) Each operator shall report a spill or overfill from a U.S.T. that results in a release to the environment that exceeds 25 gallons or causes a sheen on nearby surface water to the Illinois Emergency Management Agency within 24 hours.

**4-108-355 Semiannual surficial cleansing.**

(A) At least twice per calendar year, and more frequently if determined necessary by

the ~~Commissioner of Health~~ Chief Sustainability Officer or the ~~Commissioner's Chief Sustainability Officer's~~ designee, the operator must cleanse all vehicular use areas of the facility, either by power washing or by an equivalent dry cleaning method.

(1) If power washing or other wet washing method is used, the operator must provide a positive mechanism to prevent the wash water or waste water from leaving the site or discharging into the municipal sewer system.

(2) The operator shall manage and dispose of all waste and effluent in a manner consistent with federal and state law.

(B) The operator shall keep records of dates on which vehicular use area cleaning is performed and records of waste disposal onsite for three years and make such records available upon request of the ~~Commissioner of Health~~ Chief Sustainability Officer or the ~~Commissioner's Chief Sustainability Officer's~~ designee. In the event of any change in operator, all records required under this section shall be transferred to, and be maintained by, the new operator.

#### **4-108-360 Violation – Penalty.**

(A) In addition to any other penalty provided by law, the ~~Commissioner of Health or his/her~~ Chief Sustainability Officer or Chief Sustainability Officer's designee may issue citations for any violation of this Article IV of this chapter or any rule or regulation promulgated thereunder, the violation of which shall be punishable by a civil penalty of not less than \$750.00 and not more than \$1,000.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense. In addition, the operator shall be responsible for the cleanup and costs resulting from any contamination and related damage from a spill or overflow.

(B) The ~~commissioner of health or his/her~~ Chief Sustainability Officer or Chief Sustainability Officer's designee may seek permanent or temporary injunctive relief for any violation of this article.

#### **4-108-365 Rulemaking authority.**

The ~~Commissioner of Health~~ Chief Sustainability Officer may promulgate rules necessary or useful to implement this Article IV of Chapter 4-108.

**SECTION 6.** Title 11 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

#### **11-4-020 Enforcement of provisions.**

Except as otherwise provided, the provisions of this chapter, known as the Chicago Environmental Protection and Control Ordinance, shall be enforced by the ~~commissioner of the department of health~~ Chief Sustainability Officer. All duties and powers granted herein shall be exercised by each such official.

#### **11-4-120 Definitions.**

Except as otherwise defined for purposes of a specific subsection, section, article or chapter in this Title 11, whenever the following words and phrases are used in this Title 11, they shall have the meanings ascribed to them in this section:

*(Omitted text is not affected by this ordinance)*

"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 health~~ Department of the Environment. Such authorization ~~must~~ shall be transmitted to such ~~department~~ Department in writing.

*(Omitted text is not affected by this ordinance)*

"Commissioner" means ~~commissioner of health~~ the Chief Sustainability Officer of the City of Chicago, as established in Section 2-31-015, or the Chief Sustainability Officer's designee.

*(Omitted text is not affected by this ordinance)*

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

*(Omitted text is not affected by this ordinance)*

"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 health~~ 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.

*(Omitted text is not affected by this ordinance)*

"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 health~~ Chief Sustainability Officer.

*(Omitted text is not affected by this ordinance)*

#### **11-4-440 Sanitary landfill inspection.**

Inspection at all sanitary landfill operations shall be under the jurisdiction of the ~~commissioner of health~~ Chief Sustainability Officer. Inspections as necessary shall be supervised by a state certified inspector who is qualified by training, education and experience.

#### **11-4-760 Handling and storage of material susceptible to becoming windborne.**

*(Omitted text is not affected by this ordinance)*

(f) *Enforcement.* The ~~department of health~~ Department of the Environment and the ~~department of streets and sanitation~~ Department of Streets and Sanitation are authorized to enforce the provisions of this section.

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

*(Omitted text is not affected by this ordinance)*

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

(4) In addition to any other available penalties and remedies provided for in the Code, one or more citations for any violation of subsection (2) above 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 Health~~ Department of the Environment or the Department of Streets and Sanitation, directing that all activity cease for ten 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 issuing department shall lift a 10-day stop work order only if sufficient evidence of compliance with this chapter is provided to the department.

*(Omitted text is not affected by this ordinance)*

#### **11-4-1040 Prohibited wastes.**

*(Omitted text is not affected by this ordinance)*

(3) The ~~commissioner and the commissioner of health~~ Department of the Environment shall have authority to enforce the provisions of this section.

(4) Any person violating this section shall be subject to a fine of \$500.00 for each offense. Each day that such violation continues shall be considered a separate offense.

#### **11-4-1200 Tier II notification – When required.**

(A) Definitions. As used in this section:

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

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

*(Omitted text is not affected by this ordinance)*

(G) Enforcement. The ~~commissioner of health~~ Chief Sustainability Officer, the ~~fire commissioner~~ Fire Commissioner, the ~~executive director of emergency management and communications~~ Executive Director of Emergency Management and Communication, the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection and their respective designees are authorized: (1) to inspect, at reasonable hours or in case of an emergency, any facility subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right To Know Act for the purpose of determining compliance with the requirements of this section; and

(2) to examine the applicable books and records of any person subject to the requirements of Section 12 of the Illinois Emergency Planning and Community Right To Know Act in order to corroborate the quantities of hazardous chemicals reported or required to be reported under Section 11-4-1200 by the owner or operator of the facility; and (3) to jointly promulgate rules and regulations necessary to implement this section.

#### **11-4-1600 Violation of Section 7-28-390, 7-28-440, or 11-4-1500 – Penalty.**

*(Omitted text is not affected by this ordinance)*

~~(d)~~ (1) Emergency abatement. In the event that the Commissioner or the Commissioner of Streets and Sanitation determines that any activity in violation of Section 7-28- 390, 7-28-440, or 11-4-1500 has created, or is creating, an imminent and substantial risk to the public health or safety or to the environment, then the Commissioner or the Commissioner of Streets and Sanitation may order the owner of the vehicle, the operator of the vehicle, and any other person involved in the performance of the subject activity to abate the threat within a time frame prescribed by the Commissioner or the Commissioner of Streets and Sanitation. In the event that any person fails to abate such threat in

accordance with the Commissioner's or the Commissioner of Streets and Sanitation's order, the Commissioner or the Commissioner of Streets and Sanitation may proceed to control, remove, dispose or otherwise abate the threat.

(2) Non-emergency abatement. In the event that the Commissioner or the Commissioner of Streets and Sanitation determines that any activity in violation of Section 7-28- 390, 7-28-440, or 11-4-1500 has not created, or is not creating, an imminent and substantial risk to the public health or safety or to the environment, the Commissioner or the Commissioner of Streets and Sanitation may provide the owner of the vehicle, the operator of the vehicle or any other person involved in the performance of the subject activity with written notice to abate the nuisance within a time frame prescribed by the Commissioner or the Commissioner of Streets and Sanitation. In the event that any person fails to abate such nuisance in accordance with the Commissioner's or the Commissioner of Streets and Sanitation's notice to abate, the Commissioner or the Commissioner of Streets and Sanitation may proceed to control, remove, dispose or otherwise abate the nuisance in accordance with the provisions of this Code.

(3) In addition to any other penalties imposed in this section, the City shall be entitled to recover a penalty in the amount up to three times the cost or expense incurred by the City in abating the nuisance in an appropriate action instituted by the Corporation Counsel or in a proceeding initiated by the Departments of ~~Health~~ the Environment or Streets and Sanitation at the Department of Administrative Hearings.

*(Omitted text is not affected by this ordinance)*

#### **11-4-1660 Special permit – Hearing – Findings.**

The ~~Commissioner of Health~~ Chief Sustainability Officer shall conduct a public hearing to examine the impact on the community and compliance with the provisions of this chapter if: (1) any waste treatment or disposal facility for which an application to the Zoning Board of Appeals for a special use permit is required under the Chicago Zoning Ordinance; or (2) the expansion or alteration of any such facility previously permitted as a special use for which an application to the Zoning Board of Appeals for the modification of a special use permit is required under the Chicago Zoning Ordinance. Notice of the public hearing and procedures therein shall be as provided in rules issued by the Commissioner. The Commissioner shall record the proceedings and consider the matters presented in the hearing in deciding whether to issue the permit required under this chapter for the proposed facility.

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

*(Omitted text is not affected by this ordinance)*

##### **(4) Certification of Compliance and Enforcement.**

(a) Within 30 days of completion of a project meeting the requirements of subsection (3) of this section, the contractor shall submit documentation as described herein to report compliance with this section and rule promulgated thereunder. The documentation required under this subsection (4)(a) shall be in a form prescribed by the ~~Commissioner of Health~~ Chief Sustainability Officer and consist of notarized affidavits from the contractor and the waste-hauler or recycler for the project certifying the extent to which the project complies with subsection (2).

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

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

affidavit that the contractor is unavailable or refuses to provide the required documentation.

(c) [Reserved.]

(d) After written notification from the ~~Commissioner of Health~~ Chief Sustainability Officer, the Building Commissioner shall not issue any new building or demolition permit to a contractor who has failed to timely submit the required documentation with respect to any completed project, until the applicant either (A) submits the required documentation, including, where applicable, proof that any fine due under subsection (6) of this section has been paid in full, or (B) submits proof of a written request for a hearing on the applicability of this section and/or the amount of fine due, which hearing shall be conducted in the Department of Administrative Hearings.

(e) A contractor ~~must~~ shall comply with all reasonable requests for information and documentation made by the ~~commissioner of health~~ Chief Sustainability Officer pursuant to an audit to monitor compliance with this section. Documentation required by this section ~~must~~ shall be maintained for at least three years.

(f) Whenever any affiant knowingly and falsely states that a project has met the requirements of this section, or whenever any contractor knowingly submits an affidavit with such a false statement, or whenever any person knowingly fails to comply with a reasonable request made pursuant to an audit under this section, such action will subject the person to a fine of \$2,000 to \$5,000, and will subject the person to additional penalties and fines pursuant to this Code or state law including, but not limited to, the penalties specified in subsection (6) and the revocation or suspension of an affiant's or contractor's general contractor's license pursuant to Chapter 4-4. In the case of a contractor, the building commissioner may, after a hearing resulting in a finding that the contractor has committed any of the aforesaid violations, deny the contractor's right to obtain building or demolition permits for a period of up to one year.

(5) The ~~Commissioner of Health~~ Chief Sustainability Officer may promulgate such rules as necessary to implement this section.

*(Omitted text is not affected by this ordinance)*

#### **11-4-1910 Definitions.**

*(Omitted text is not affected by this ordinance)*

"Reprocessing device" shall mean a device designed to crush or break reprocessable material into smaller constituent parts for the purpose of reprocessing such material and for which a permit has been issued by the ~~department of health~~ Department of the Environment pursuant to this Code.

Other definitions relating to this article will be found in Article I of Chapter 11-4.

#### **11-4-1970 Reprocessing device requirement.**

To qualify for a permit, each facility ~~must~~ shall have at least one permitted reprocessing device, with an air pollution control permit issued by the ~~department of health~~ Department of the Environment pursuant to this Code, for the purpose of reprocessing reprocessable material permitted for the site, or have an alternative plan approved by the commissioner for timely reprocessing of the material.

#### **11-4-1980 Testing of materials.**

The owner and/or operator of a reprocessable construction/demolition material facility shall perform, at its own expense, testing of material delivered to the facility for constituents and characteristics as described in rules and regulations that may be promulgated by the ~~department of health~~ Department of the Environment. Such tests shall be performed on a schedule contained in regulations that may be promulgated by the ~~department of health~~

Department of the Environment; provided, however, that the number of tests requested shall not exceed six within a 12-month period unless the commissioner determines that sufficient cause exists for additional testing and such cause is provided to the owner and/or operator in written form.

#### **11-4-1990 Reports and recordkeeping.**

(A) Load Tickets. The owner and/or operator shall maintain load tickets for each truckload or other documentation acceptable to the ~~e~~Commissioner of material delivered to and removed from a facility. The load tickets or other documentation shall contain the following information:

*(Omitted text is not affected by this ordinance)*

The load tickets or other documentation shall be preserved for a period of one year following the end of the calendar year in which such tickets were written and recorded or in which such other documentation is made. Load tickets or other documentation shall be made available upon written or oral request during normal business hours to an employee or agent of the ~~department of health~~ Department of the Environment.

(B) Reports. The owner and/or operator shall prepare, upon the request of the ~~department of health~~ Department of the Environment or on a schedule prescribed by regulation, reports on materials delivered to and removed from a facility and on the operations of the facility.

*(Omitted text is not affected by this ordinance)*

#### **11-4-2000 Operating requirements.**

The owner and/or operator of a reprocessible construction material facility shall comply with the following requirements:

(A) All facilities shall keep permits on the premises at all times. Permits should be posted in a prominent location and available at all times for review by employees or agents of the ~~department of health~~ Department of the Environment.

*(Omitted text is not affected by this ordinance)*

(E) Each reprocessible construction/demolition material facility shall employ measures and/or devices approved by the ~~department of health~~ Department of the Environment to prevent the emission of dust and to keep the streets, sidewalks and sewers adjacent to the facility free and clear at all times of all material and debris transported to or from, or maintained or stored within, the facility.

*(Omitted text is not affected by this ordinance)*

#### **11-4-2010 Closure.**

The owner and/or operator of a facility shall notify the ~~e~~Commissioner in writing of an intention to terminate operations of the facility at least 14 days prior to termination. Upon termination of operations on the facility site, the owner and/or operator shall leave the site in a clean condition that is to be approved by the ~~department of the health~~ Department of the Environment, removing all waste and other materials and equipment from the site. The site shall be restored to a level grade for future development consistent with local zoning ordinances.

Only city-approved fill material shall be used to regrade the site.

#### **11-4-2020 Security.**

No person shall operate a facility which requires a permit under this article unless such person has posted with the ~~department of health~~ Department of the Environment security in the amount of \$250,000.00. 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 eCommissioner. In no event shall the security be deemed to be the limit of the permittee's liability for its activities at the facility.

The eCommissioner shall specify the form, or forms, or combination of forms of security required by this section, subject to the approval of the eCity eComptroller and the eCorporation eCounsel.

No security under this section shall be required of the City of Chicago.

#### **11-4-2090 Definitions.**

As used in this article, unless the context requires otherwise:

"Commissioner" shall mean the ~~commissioner of health~~ the Chief Sustainability Officer of the City of Chicago, as established in Section 2-31-015, or the Chief Sustainability Officer's designee.

*(Omitted text is not affected by this ordinance)*

#### **11-4-2115 Underground tank storage regulations.**

Any person who installs, maintains, repairs, removes or abandons in place any underground storage tank in violation of any section of 41 Illinois Administrative Code 172, 174, 175, 176, or 177, as amended from time to time shall be considered to have violated this section. The ~~department of health~~ Department of the Environment shall have the authority to: (1) enforce the above-cited provisions which are incorporated herein by reference; (2) obtain any and all applicable relief, including injunctions, court costs and fees; and (3) exercise such powers and perform such functions as may be delegated to the City by the Office of the State Fire Marshal pursuant to Section 2 of the Gasoline Storage Act, 430 ILCS 15/2. Any person found in violation of these provisions or any administrative order issued under Section 2 of the Gasoline Storage Act, 430 ILCS 15/2, shall be fined in an amount equal to the fine specified for the violation in the Gasoline Storage Act (430 ILCS 15) for each violation, and any such violation shall constitute a public nuisance. Each and every violation of any section of 41 Illinois Administrative Code 172, 174, 175, 176, or 177, or any administrative order issued under Section 2 of the Gasoline Storage Act, 430 ILCS 15/2, shall constitute a separate and distinct violation. Each day on which such violation exists shall constitute a separate and distinct offense.

#### **11-4-2140 Fuel and lubrication facilities.**

(1) For purposes of this section, the term "facility" shall mean any commercial establishment that provides motor vehicle refueling or oil changes on a retail basis, if one or more underground tanks are located on-site or used in conjunction with operations conducted on-site.

(2) Each facility in the city ~~must~~ shall provide notification, as set forth in this section, to the ~~department of health~~ Department of the Environment. There shall be no fee to provide notification or to update a notification. Such notification shall be on forms provided by the ~~department of health~~ Department of the Environment, and shall include the following information:

- (a) Site information: Name, address, telephone number, fax number.
- (b) Owner information: Name, off-site address where certified mail can be received, weekday telephone number, 24-hour emergency telephone number, fax number.
- (c) Operator information: Name, off-site address where certified mail can

be received, weekday telephone number, 24-hour emergency telephone number, fax number.

(d) Current office of the state fire marshal certification number (green sticker) and facility information number, number and size of underground tanks on site, status of such underground tanks (e.g., active, out-of-service, if out-of-service, date taken out), products stored in such underground tanks.

(e) Such other information as the ~~commissioner of health~~ Chief Sustainability Officer may require.

A notification ~~must~~ shall be provided to the ~~department of health~~ Department of the Environment by January 1 of each year. Such annual notification shall be required even if no changes have occurred since the submission of the previous notification. An updated notification ~~must~~ shall be provided in the event that any information on a notification form on file with the ~~department of health~~ Department of the Environment becomes inaccurate or incomplete in any respect at any time during the year, within 30 days of the change in status. Such changes in status include, but are not limited to, changes in ownership, changes in operator and the temporary or permanent termination of operations at a facility.

(3) Any person owning and/or operating a facility in violation of any provision of this section shall be personally subject to a fine not to exceed \$500.00 for each violation, plus court costs and reasonable attorney's fees. Each day that a violation continues shall constitute a separate and distinct offense.

(4) In the event that the city is unable to contact an owner or operator of a facility using information provided on a notification form, or as a result of an owner's or operator's failure to provide notification or update a notification, the facility shall be presumed to be abandoned, and the ~~department of health~~ Department of the Environment may, after reasonable efforts to contact the owner or operator, arrange for the closure of the facility, and the abatement of any public nuisances associated with the facility, in accordance with applicable law. Costs incurred by the eCity in conjunction with such closure and abatement shall be a lien on the property as provided by law. In addition, the owner and operator of the facility shall be jointly and severally liable for costs in an amount up to three times the city's costs of closure and abatement, plus court costs and reasonable attorney's fees. Such fines shall be in addition to any other costs and penalties provided herein.

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

*(Omitted text is not affected by this ordinance)*

Commissioner means the ~~commissioner of the department of health~~ Chief Sustainability Officer of the City of Chicago, as established in Section 2-31-015, or the Chief Sustainability Officer's designee.

*(Omitted text is not affected by this ordinance)*

Department means the ~~department of health~~ Department of the Environment.

*(Omitted text is not affected by this ordinance)*

**11-4-2160 Powers and duties of the commissioner.**

(a) In addition to all other powers and authority generally afforded the ~~commissioner of health~~ Chief Sustainability Officer elsewhere under the Municipal Code, the commissioner shall have the following specific powers and responsibilities under this article:

*(Omitted text is not affected by this ordinance)*

**11-4-2170 Demolitions and renovations: permit and notification requirements;**

**performance standards for asbestos abatement; control and disposal of dust and debris.**

(a) Demolition of buildings, facilities or other structures: notice of intent to demolish required. No demolition of a building, facility or other structure shall be initiated within the City unless a written notice of intent to demolish, accompanied by the fee required by this section, has been filed with, and approved by, the ~~Department of Health~~ Department of the Environment at least ten working days prior to the commencement of demolition. The ten working day period shall not apply if the building, facility or other structure to be demolished has been found to be structurally unsound and in danger of imminent collapse by the Building Commissioner or state authority or court of competent jurisdiction; provided, however, any person or contractor demolishing such building, facility or other structure shall file a written notice with the ~~Department of Health~~ Department of the Environment regarding such demolition as soon as practicable, but no later than one day before the start date of the demolition, and ~~must~~ shall have a properly licensed asbestos abatement contractor on site during the demolition.

*(Omitted text is not affected by this ordinance)*

#### **11-4-2510 Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them by this section:

*Buy-back center* means any recycling facility which purchases recyclable materials.

*C.F.R.* means the Code of Federal Regulations.

*Commissioner* means the ~~Commissioner of Health~~ Chief Sustainability Officer of the City of Chicago, as established in Section 2-31-015, or the Chief Sustainability Officer's designee.

*Composting* means a controlled process which transforms organic waste and/or livestock waste into products useful as soil amendments. Composting shall include windrow composting, in-vessel aerobic composting and anaerobic digestion composting technologies.

*Composting facility* means any building, portion of a building or area in which organic waste and/or livestock waste is collected, stored, or processed.

*Department* means the Department of Health the Environment.

*(Omitted text is not affected by this ordinance)*

#### **11-4-2520 Permit – Required.**

No person shall engage in the business of operating a recycling facility in the City of Chicago without having first obtained a written recycling facility permit from the Commissioner. Recycling facilities requiring a permit under this section shall comply with this article, the rules promulgated hereunder, the permit and its conditions and any other applicable laws and ordinances. Each permit shall be renewed in accordance with the rules adopted by the Commissioner, but in no case shall the permit be for longer than three years.

No initial recycling facility permit shall be issued for any class of recycling facility set forth in Section 11-4-2540 unless the activity for which a permit under this section is required is a permitted or special use within the zoning district where such facility will be authorized to operate.

If a permittee under this section fails to submit in a timely manner the annual recycling report required under Section 11-4-250 or submits an incomplete annual recycling report, such permittee's permit under this section shall not be renewed by the Department of ~~Public Health~~ the Environment until such time that the annual recycling report required under Section 11-4- 250 is submitted and is complete.

**11-4-2625 Prohibited and regulated materials.**

*(Omitted text is not affected by this ordinance)*

(f) All records required by this section shall at all times during the permittee's business hours, and at all other times upon reasonable notice, be made available for inspection by the commissioner or his authorized agent, or any member of the police department. Upon the request of the commissioner or any member of the police department, the permittee shall provide photocopies of such records to the ~~department of health~~ Department of the Environment or the police department.

*(Omitted text is not affected by this ordinance)*

**11-12-085 Theft of hydrant or parts thereof.**

*(Omitted text is not affected by this ordinance)*

(c) In addition to the penalties provided in subsection (b) of this section, any person holding a recycling facility permit issued pursuant to Chapter 11-4, or agent or employee thereof, who violates this section shall be subject to suspension of any such permit for a first violation of this section, and shall be subject to revocation of any such permit for any subsequent violation. Any proceedings to implement such suspension or revocation shall be carried out by the ~~commissioner of health~~ Chief Sustainability Officer pursuant to procedures set forth in Chapter 11-4. The remedy provided in this subsection (c) shall be in addition to any remedy otherwise available to the city under the eCode.

**11-16-120 Discharging prohibited substances.**

No person shall discharge or cause to be discharged into any portion of the sewer system or waterway any of the following materials: any steam, chemicals, grease, oil, fatty matter, butcher's offal, garbage, dead animals, stone or dust; any waste capable of causing obstructions of any kind or of destroying or corroding masonry; any prohibited wastes as defined by the Metropolitan Water Reclamation District, the ~~department of health~~ Department of the Environment or any other governmental agency charged with regulation of waste disposal; or any other material which the commissioner determines is likely to obstruct or stop the flow of wastewater in the public sewer system. A catch basin or other device approved by the commissioner shall be used to prevent any prohibited material from reaching the public sewer system.

*(Omitted text is not affected by this ordinance)*

**SECTION 7.** The Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

**7-28-020 Summary abatement.**

Whenever any nuisance under this Chapter 7-28 shall be found on any premises within the eCity, the eCommissioner of ~~b~~Buildings or ~~commissioner of health~~ Chief Sustainability Officer or eCommissioner of ~~s~~Streets and ~~s~~Sanitation or the eCorporation eCounsel is hereby authorized, in his or her discretion, to seek to enjoin such nuisance or to cause the same to be summarily abated in such manner as he or she may direct pursuant to the applicable provisions of this Code.

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

*(Omitted text is not affected by this ordinance)*

(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 or finding of liability or judgement, 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 any and all costs and expenses incurred by the City in cutting the weeds, plus a penalty of up to three times the amount of the costs and expenses incurred by the City. Such monies may be recovered in an appropriate action instituted by the Corporation Counsel or in a proceeding initiated by the Department of Streets and Sanitation or the ~~Department of Health~~ Chief Sustainability Officer at the Department of Administrative Hearings. The penalties imposed by this subsection shall be in addition to any other penalty provided by law.

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

*(Omitted text is not affected by this ordinance)*

This section may be enforced by the ~~d~~Department of ~~s~~Streets and ~~s~~Sanitation, the ~~department of health~~ Department of the Environment, and the ~~d~~Department of ~~t~~Transportation.

*(Omitted text is not affected by this ordinance)*

**7-28-445 Reward program for information leading to a conviction or finding of liability for illegal dumping.**

*(Omitted text is not affected by this ordinance)*

(b) Reward – Authorized. The Commissioner, in consultation with the ~~Commissioner of Public Health~~ Chief Sustainability Officer and the Comptroller, shall establish a reward program for individuals who provide information resulting in a conviction or finding of liability for illegal dumping. City employees shall not be eligible for the reward authorized under this section.

*(Omitted text is not affected by this ordinance)*

**7-28-455 Unremoved motor vehicles, ashes, refuse, waste, debris and other materials – Substantial risk to the public – Nuisance – City authorized to remove – Notice – Violation – Penalty – Costs.**

(a) Definitions. As used in this section:

"Commissioner" means the ~~commissioner of streets and sanitation~~ Commissioner of Streets and Sanitation or the ~~commissioner of health~~ Chief Sustainability Officer or their respective designees.

"Owner" has the meaning ascribed to the term in Chapter 14A-2.

"Property" means any lot, tax parcel of real estate, railroad track, residence, place of business or any portion thereof, whether improved, unimproved, vacant or occupied.

"Substantial risk" means any violation of Section 7-28-450 which, due to its nature, size, scope, reoccurrence or lack of remediation by the owner, poses a serious or ongoing threat to the environment or to the public health, comfort, safety or welfare of any person or of the community. The term "substantial risk" includes any serious threat that is present now or is expected to occur within a reasonably short period of time, even though the impact of the threat may not be felt until later.

(b) Violations of Section 7-28-450 that pose a substantial risk to the public – Nuisance – Notice – City authorized to abate – Penalty – Costs. Any violation of Section 7-28-450 that poses a substantial risk to the environment or to the public health, comfort, safety or welfare of any person or of the community shall be a violation under this section and is hereby declared to be a public nuisance. Such public nuisance shall be subject to the notice and abatement provisions set forth in this section. Any person who violates any of the requirements of this subsection shall be subject to twice the amount of the fine that applies for violations of subsections (a) or (b) of Section 7-28-450, as applicable. Each day that a violation continues shall constitute a separate and distinct offense to which a

separate fine shall apply.

In addition to such fine, any person who violates this subsection shall be liable to the eCity for any and all costs and expenses incurred by the eCity in abating a nuisance under this section, plus a penalty of up to three times the amount of the costs and expenses incurred by the city in abating such nuisance. Such monies may be recovered in an appropriate action instituted by the eCorporation eCounsel or in a proceeding initiated by the dDepartment of sStreets and sSanitation or the ~~department of health~~ Department of the Environment at the department of administrative hearings. The penalties imposed by this subsection shall be in addition to any other penalty provided by law.

*(Omitted text is not affected by this ordinance)*

#### **7-28-710 Dumping prohibited.**

*(Omitted text is not affected by this ordinance)*

(b) Nothing in this section shall prohibit the composting of organic waste or land application of composted organic waste in accordance with Sections 7-28-715 and Chapter 11-4 of this Code. For the purposes of this section and Section 7-28-715, the following definitions apply:

"Commissioner" means the Commissioner of Streets and Sanitation or the ~~Commissioner of Health~~ Chief Sustainability Officer. When used in the plural, the term means both commissioners.

*(Omitted text is not affected by this ordinance)*

#### **7-28-715 Composting standards.**

*(Omitted text is not affected by this ordinance)*

(3) Enforcement provisions. Any person that violates this section or any rule or regulation promulgated thereunder and is not operating under a permit under Chapter 11-4 that permits composting shall be fined not less than \$300 nor more than \$600 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. In addition, if any person violates this section, the ~~commissioner of health~~ Chief Sustainability Officer may issue an emergency or non-emergency cessation or abatement order in accordance with Section 11-4-025 of this Code.

(4) The ~~commissioner~~ Commissioner is authorized to enforce this section and rules and regulations promulgated thereunder. The ~~commissioners~~ Commissioners are authorized to administer this section and to jointly adopt and promulgate reasonable rules and regulations pertaining to the administration and enforcement of this section.

#### **7-28-780 Parking of Vehicles in a Vacant Lot – Penalty for Violation – Abatement – Lien.**

*(Omitted text is not affected by this ordinance)*

(c) Public Nuisance. Any vehicle parked in a vacant lot is hereby declared to be a public nuisance. Except as otherwise provided in this subsection, upon instituting an administrative adjudication proceeding or filing of a case in a court of law against the owner of a vacant lot for violation of subsection (b)(1) of this section, the Department shall post a yellow sticker on each vehicle currently parked in the vacant lot, specifying that any and all vehicles parked in said lot shall be subject to tow if the owner of the vacant lot is found liable of violating subsection (b)(1). On or after a finding by the Department of Administrative Hearings that the lot owner violated subsection (b)(1), the Department shall post a 10-day notice in the form of a red sticker on each vehicle parked in said vacant lot, specifying that the vehicle shall be subject to tow if not removed within 10 days. The Department is authorized to tow, or may cause to be towed, any vehicle parked in the vacant lot after the expiration of the 10-day notice posted on such vehicle pursuant to this subsection. Any vehicle not removed from a vacant lot within 10 days of posting of the red sticker is deemed abandoned under the terms of this subsection (c).

If the owner of a vacant lot has been found liable for violating subsection (b)(1), then (i) the Department need not place a yellow sticker on any vehicle before towing it from said vacant lot; and (ii) any vehicle parked in said lot before or after the finding of liability is subject to tow 10 days after the placement of the 10-day notice on the vehicle without further notice or adjudication.

Any vehicle towed pursuant to this subsection shall be taken to an authorized facility. In such event, the owner of the vacant lot on which the towed vehicle was parked shall be liable to the City for any and all costs and expenses incurred by the City in towing the vehicle, except for towing and storage fees, plus a penalty of up to three times the amount of the costs and expenses incurred by the City. Provided, however, if the owner of the vacant lot is also the registered owner of a vehicle towed pursuant to this section, in addition to other costs and penalty provided in this subsection, the owner of the vacant lot shall be liable to the City for the towing and storage charges as provided in Sections 9-92-080 and 9-92-100(e) and the costs of postage for notices and costs of collection. Such monies may be recovered in an appropriate action instituted by the Corporation Counsel or in a proceeding initiated by the Department or the Department of ~~Health~~ the Environment at the Department of Administrative Hearings. The penalties imposed by this subsection shall be in addition to any other penalty provided by law.

*(Omitted text is not affected by this ordinance)*

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

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

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

*(Omitted text is not affected by this ordinance)*

#### **8-32-060 Designation of noise sensitive zones.**

An area shall be designated a noise sensitive zone following passage of an ordinance amending Section 8-32-065 that includes a finding, developed in consultation with the Department of Police and Department of ~~Public Health~~ the Environment, that such zone is an area where noise sensitive activities take place. Existing quiet zones shall be considered noise sensitive zones until otherwise designated. Noise sensitive activities include, but are not limited to, operations of schools, libraries open to the public, churches, hospitals and nursing homes. The Commissioner of Transportation shall install conspicuous signage identifying such areas as noise sensitive zones.

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

*(Omitted text is not affected by this ordinance)*

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

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

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

*(Omitted text is not affected by this ordinance)*

**9-80-095 Excessive standing of diesel powered vehicles with the engine running.**

*(Omitted text is not affected by this ordinance)*

(d) Any police officer, traffic control aide, other designated member of the ~~pPolice d~~Department, parking enforcement aide or other person designated by the ~~eCity~~ traffic compliance administrator, the ~~commissioner of health~~ Chief Sustainability Officer, or the ~~eCommissioner of t~~ransportation shall have authority to enforce the provisions of this section.

**14A-4-412.3.1 Regulated equipment.**

If a permit is sought to install regulated equipment, the applicable stand-alone fee provided in Section 14A-4-412.1 must be assessed for each piece of equipment so installed, unless all of the following requirements are met:

1. A permit fee is charged in accordance with Section 14A-4-412.2.
2. The regulated equipment is clearly indicated on the construction documents submitted with the permit application.
3. Any application or form required by the Department of ~~Health~~ of the Environment to install such regulated equipment is submitted with the permit application;
4. The Department of ~~Health~~ the Environment reviews and approves any required drawings or plans for the installation of the regulated equipment to be installed.

Where all of the requirements of this section are met, the permit fee assessed under Section 14A-4-412.1 or 14A-4-412.2 includes the fee that would otherwise apply to install such regulated equipment. If any requirement of this section is not met, a separate permit application must be submitted for installation of the regulated equipment.

**15-28-755 Storage of hazardous materials prohibited.**

- (a) Definitions. For purposes of this section, the following definitions apply:  
"Commissioner" means the ~~commissioner of health~~ Chief Sustainability Officer.  
*(Omitted text is not affected by this ordinance)*

**17-9-0117 Waste-related Uses, Recycling Facilities, Intensive Manufacturing, Production and Industrial Service Uses, Warehousing, Wholesaling and Freight Movement, Container Storage, Freight Terminal, Outdoor Storage of Raw Material as a Principal Use, Coke & Coal Bulk Material Uses, Windrow Composting and Manganese-bearing Material Operation Uses.**

*(Omitted text is not affected by this ordinance)*

**17-9-0117-D Manganese-bearing Material Operation Uses.**

*(Omitted text is not affected by this ordinance)*

(5) Owners and operators of *manganese-bearing material operation uses* allowed under this subsection 17-9-0117-D shall report and certify, under penalty of perjury, the following data, expressed in both tons and cubic yards, in quarterly reports, due within thirty days of the end of each quarter, submitted to the department of planning and development, pursuant to a form and format set by that department:

- (a) the total monthly amount of *non-packaged manganese-bearing material* received;
- (b) the total monthly amount of *non-packaged manganese-bearing material* leaving the facility by truck, barge, boat, railcar, or other means of conveyance;
- (c) the maximum daily amount of *non-packaged manganese-bearing material* present at the facility in each calendar month; and
- (d) the monthly *non-packaged manganese-bearing material* throughput, i.e., the amount of *manganese-bearing material* received at a facility in a given calendar month, plus the amount of *non-packaged manganese-bearing material* leaving the facility in that same month, divided by 2.

The owners and operators shall include in each quarterly report the method used for determining the values of subsections 17-9-0117-D(5)(a), (b), and (c), and shall maintain for inspection all documents used in preparing the reports for a period of at least 3 years. Violators of this subsection 17-9-0117-D(5) shall be subject to a fine of not less than \$1,000 nor more than \$5,000. Each day that a violation continues shall constitute a separate and distinct offense. Utilizing these reports and other relevant data, the ~~e~~Commissioner of ~~p~~Planning and ~~d~~Development, in consultation with the ~~commissioner of health~~ Chief Sustainability Officer, is authorized to determine limitations on: (1) *non-packaged manganese-bearing material* throughput, and (2) the maximum daily amount of *non-packaged manganese-bearing material* present at the facility in each calendar month, that are necessary to abate the negative impact on the community resulting from the secondary effects of *manganese-bearing material operation uses* (including impaired enjoyment of real and personal property in neighborhoods located near such operations). The ~~commissioner of health~~ Chief Sustainability Officer shall, on at least a quarterly basis, compare the reports with any complaints, inspection reports, monitoring data, and other relevant information, and provide recommendations to the commissioner of planning and development. The ~~e~~Commissioner of ~~p~~Planning and ~~d~~Development is also authorized to issue one or more administrative orders setting throughput limitations and maximum daily amount limitations for all *manganese-bearing material operation uses*.

*(Omitted text is not affected by this ordinance)*

**17-9-0117-G Waste-Related Uses, Recycling Facilities, Intensive Manufacturing, Production and Industrial Service Uses, Warehousing, Wholesaling and Freight Movement, Container Storage, Freight Terminal, Outdoor Storage of Raw Material as a Principal Use, Coke & Coal Bulk Material Uses, Windrow Composting and Manganese-bearing Material Operation Uses.** All such newly-established uses or existing uses that change or increase their area, bulk, or function are subject to the following site plan review criteria, in addition to the requirements of Section 17-13-0800:

**17-9-0117-G.1** The site plan review application must include a traffic study and an air quality impact evaluation, and the Commissioner of the Chicago Department of Transportation must review each traffic study and the ~~Commissioner of the Chicago Department of Public Health~~ Chief Sustainability Officer must review each air impact evaluation, and the Commissioners shall provide an opportunity for public review and comment on each traffic study and air impact evaluation, and forward their joint written recommendation on the proposal to the Zoning Administrator before a zoning certification may be issued.

**17-17-0101 General.**

*(Omitted text is not affected by this ordinance)*

**17-17-0105-D Recycling Facilities.** Any *building*, portion of *building* or area in which *Type A, Type B, Type C or Type D 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. No recycling facility shall engage in the recovery of materials for fuel in combustion or energy production processes. However, this section shall not prohibit any such recycling facility from recovering and using biogas or other fuel generated as a byproduct of a recycling activity, as approved by the ~~commissioner of health~~ Chief Sustainability Officer, while the facility is otherwise primarily engaged in recycling.

*(Omitted text is not affected by this ordinance)*

**17-17-02143 Recyclable Material.** Recyclable material shall be categorized as Type A, Type B, Type C or Type D recyclable material and shall have the meaning ascribed to each such type, as follows:

1. Type A recyclable material. Any aluminum or ferrous or non-ferrous scrap metal; bi-metal or tin cans; glass products; paper products; rubber; textiles; plastic products, such as polyethelene terephthalate, high density polyethylene, low density polyethylene, polystyrene or polypropolene; and any other material designated as Type A recyclable material by the ~~commissioner of health~~ Chief Sustainability Officer in duly promulgated rules and regulations.

2. Type B recyclable material. Organic waste and any other material designated as Type B recyclable material by the ~~commissioner of health~~ Chief Sustainability Officer in duly promulgated rules and regulations.

3. Type C recyclable material. Used motor vehicles or motor vehicle parts, and any other material designated as Type C recyclable material by the ~~commissioner of health~~ Chief Sustainability Officer in duly promulgated rules and regulations.

4. Type D recyclable material. Construction and demolition debris that does not contain lead, asbestos or any other hazardous material in such a way as to render recycling of such material illegal or impossible and that has been rendered reusable and is reused, or that would otherwise be disposed of or discarded but is collected or separated and returned to the economic mainstream in the form of raw materials or product; and any other material designated as Type D recyclable material by the ~~commissioner of health~~ Chief Sustainability Officer in duly promulgated rules and regulations.

*(Omitted text is not affected by this ordinance)*

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

#### **14A-1-104.8 Approvals.**

The *building official* is authorized and directed to issue any *permits* or grant any approvals relating to the construction, maintenance, *rehabilitation*, demolition, or relocation of *buildings* or other *structures*, including *permits* and approvals on behalf of any other department or office of the City, including the Department of Buildings, Department of Water Management, Department of Transportation, Department of Streets and Sanitation, Department of Planning and Development, Department of Housing, Department of Public Health, Department of Finance, Department of the Environment, the Fire Department, and the Mayor's Office for People with Disabilities, and in such cases any reference in the *Municipal Code* to such other departments or offices, or the officials in charge of those departments or offices, may be considered a reference to the *building official* and the Department of Buildings.

*(Omitted text is not affected by this ordinance)*

#### **14A-2-202 DEFINITIONS.**

*(Omitted text is not affected by this ordinance)*

**REGULATED EQUIPMENT.** Equipment regulated by the Department of ~~Public Health~~ the Environment, including but not limited to: fuel burning devices such as boilers, furnaces, industrial ovens, and crucibles; industrial process equipment such as tanks, kettles, converters, kilns, crucibles, stills, dryers, roasters, crushers, grinders, blenders, mixers, reactors, regenerators, separators, filters, columns, classifiers, screens, quenchers, cookers, towers, washers, scrubbers, mills, and condensers; pollution-control devices such as bag houses, cyclones, electrostatic precipitators, thermal oxidizers, afterburners, absorbers, filters, dry collectors, and wet collectors; unfired pressure vessels such as jacketed kettles, tanks under pressure, and indirect fired vessels; motor vehicle repair shops including equipment such as paint spray booths, prep areas, and mixing areas; dry cleaning plants including equipment such as dry cleaning machines and boilers; incinerators such as pathological waste-, thermal-, and catalytic-incinerators; food preparation units such as commercial kitchen hoods; process areas, such as areas used for grinding, sawing, cutting, packaging, assembling, machining, blending, and mixing; and generators such as emergency generators and standby or discretionary generators.

*(Omitted text is not affected by this ordinance)*

#### **14A-3-307.1 General.**

Where a *building, structure, or premises* has been damaged by fire, deterioration, unpermitted work, or other cause, or shows clear evidence of structural failure, and where it constitutes an imminent hazard to occupants or to the public, the *building official, fire code official, Superintendent of Police, Chief Sustainability Officer, or Commissioner of Public Health* is authorized to order said *building, structure, or premises* vacated and closed until unsafe conditions are remedied in accordance with the *Municipal Code*.

#### **14A-3-308.1 General.**

Upon a report to the Mayor by the *building official, fire code official, Chief Sustainability Officer, Commissioner of Public Health, or Superintendent of Police* that any business for which a license is required by any provision of the *Municipal Code* is being conducted on *premises* where the provisions of the *Chicago Construction Codes* or any proper order given by such *City official* under the *Chicago Construction Codes*, has been violated or not complied with, the Mayor may revoke the license of the business and cause the business to be closed.

#### **14A-4-401.3 Review.**

The *building official* is directed to examine or cause to be examined the *permit* application and ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the *Chicago Construction Codes* and the *Chicago Zoning Ordinance*. The *building official* is directed to present the permit application to the Department of Planning and Development, Department of ~~Public Health~~ the Environment, *fire code official, Department of Finance, Department of Water Management, Department of Streets and Sanitation, Department of Transportation, Mayor's Office for People with Disabilities, and any other affected department* for examination and approval with regard to such provisions of the *Municipal Code* as are within the exclusive duty of such office to enforce, and after the

application has been examined and passed upon it must be returned to the *building official*. The *building official* may establish a system whereby applications for *permit* may be reviewed simultaneously by more than one person or department.

#### **14A-4-407.6.3 Waiver.**

The *building official* is authorized to waive the 90-day period if the *building official* determines that demolition of the *building* or *structure* is necessary to remedy a condition imminently dangerous to life, health, or property or if the *building official* is notified, in writing, that the *fire code official*, Chief Sustainability Officer, or Commissioner of Public Health has determined that demolition of the *building* or *structure* is necessary to remedy a condition imminently dangerous to life, health, or property.

#### **14B-33-3301 General.**

The provisions of Section 3301 of IBC are adopted by reference with the following modifications:

1. Revise Section 3301.1 to read:

##### **"3301.1 Scope.**

The provisions of this chapter shall govern safety during construction, demolition and *rehabilitation* work and the protection of adjacent public and private properties.

Provisions of this chapter pertaining to dust control shall be enforced by the ~~Commissioner of Public Health~~ Chief Sustainability Officer in accordance with Chapter 11-4 of the *Municipal Code*."

*(Omitted text is not affected by this ordinance)*

#### **14X-2-202 DEFINITIONS.**

*(Omitted text is not affected by this ordinance)*

**VACANT.** A *structure* or portion of a *structure* that is lacking habitual presence of human beings who have a legal right to be on the *premises*, or in which substantially all lawful business or construction operations or *occupancy* has ceased, or that is substantially devoid of contents. A *structure* or portion of a *structure* is vacant if it has been declared unfit for occupancy by the *building official*, *fire code official*, Department of Public Health, Department of Police, Department of the Environment, or a court or administrative agency, and that official or agency has ordered that the *structure* remain unoccupied. A *structure* or portion of a *structure* is not *vacant* if either: (1) there is a valid and active *permit* for rehabilitation of the *structure*; or (2) the *owner* has applied for and is diligently pursuing a *permit* for rehabilitation of the *structure*.

*(Omitted text is not affected by this ordinance)*

## **ARTICLE IV. CHICAGO POLICE DEPARTMENT OVERTIME**

**SECTION 1.** Chapter 2-84 of the Municipal Code of Chicago is hereby amended by adding a new Section 2-84-520, as follows:

#### **2-84-520 Overtime transparency.**

a. The Department of Police ("Department") shall compile each month a report on the overtime used within each police district. The report shall include the number of hours of overtime used year-to-date against budget, the rate of pay for each hour of overtime, the job titles or ranks of those receiving overtime, the reason for overtime, the dates and times of the overtime shifts, whether the assignment was to regular duties or a sister agency, the sister agency using the overtime, if applicable, whether the overtime is reimbursable, the year-over-year aggregate of overtime, and any other information requested by the Budget Director. The report shall be provided to the Committee on Budget and Government Operations, the Committee on Police and Fire, and the Budget Director no later than fifteen days after the end of each month. Additionally, the Department shall post the reports online on their public-facing website and shall explore the feasibility of developing and implementing a digital dashboard to display the data on the underlying report.

b. On at least a quarterly basis, the Department shall present the outcomes of the overtime reports to the Joint Committee on the Budget and Government Operations and Police and Fire in a public hearing.

c. Notwithstanding any provision of the annual appropriation ordinance to the contrary and except when a bona fide emergency occurs, as determined by the Mayor, the Department shall not exceed the overtime cap adopted in the annual appropriation ordinance. If the Department desires to exceed the overtime cap adopted in the annual appropriation ordinance, the Department shall coordinate with the Office of Budget and Management to propose the introduction of an ordinance to be heard by the Committee on the Budget and Government Operations amending the annual appropriation ordinance to increase the cap. Such ordinance shall identify the source of the additional funding and shall state the districts and job titles the overtime increase shall be used to cover.

**SECTION 2.** The City's Comptroller and Chief Information Officer are hereby directed to prioritize the implementation of a Citywide timekeeping/payroll system ("System") that would streamline overtime measurements. Beginning January 1, 2026, the Comptroller and Chief Information Officer shall present, on a quarterly basis, to the Committee on the Budget and Government Operations and the Committee on Economic, Capital and Technology Development, a report detailing the steps taken, and still required to be taken, for the Citywide implementation of the new System. Upon implementation of the System, and in compliance with all applicable legal requirements, the Department of Police shall use the System as their sole electronic timekeeping system.

**SECTION 3.** The Executive Director of the Office of Public Safety Administration is hereby directed to provide a report, on a quarterly basis, to the Mayor's Office, the Committee on the Budget and Government Operations, and the Committee on Police and Fire, on the progress made against the medical unit audit recommendations released on October 16, 2025. At the request of the Chairmen of the Joint Committee on the Budget and Government Operations and Police and Fire, the Executive Director of the Office of Public Safety Administration shall present the quarterly reports to the Joint Committee on the Budget and Government Operations and Police and Fire at a public hearing held pursuant to Section 2-84-520(b) of the Municipal Code of Chicago.

**SECTION 4.** Following the release of the comprehensive staffing and workforce allocation analyses developed pursuant to Section 2-84-510 of the Municipal Code of Chicago, the Department of Police shall work with the Department of Human Resources, the Office of Budget and Management, the Department of Law, and the Mayor's Office to identify additional

roles within the Department of Police and Office of Public Safety Administration that are eligible for civilianization based on benchmarking to other peer cities and develop a transition plan. The report will include, but is not limited to, an analysis of the feasibility of increasing civilian positions in the following divisions, sections or units: Administrative Support Division, Asset Forfeiture Section, Audit Section, Bureau of Internal Affairs, Communications Division, Compstat Unit, Confidential Analysis Section, Court Section, Criminal Records Unit, Evidence and Recovered Property Section, Financial Crimes, Force Review Unit, Forensic Services Division, Human Relations Division, Labor Relations Division, Legal Affairs Division, Professional Counseling Division, Random Drug Section, Records Inquiry Section, Recruitment, Training Division, Detached Services Unit, Office of Community Policing, and the Office of Constitutional Policing and Reform. The listed departments and offices shall present a report to the Mayor, the Committee on Budget and Government Operations, and the Committee on Police and Fire no later than August 31, 2026 on how to transition additional eligible Department of Police and Office of Public Safety Administration roles to civilians that will include a hiring plan and summary of candidate qualifications for each civilianized positions and how that transition will affect future budgets.

**SECTION 5.** The Department of Police shall compile each month a report describing the Department of Police's progress in implementing an early intervention system that will provide information to supervisors that enables them to proactively identify at-risk behavior by officers under their command, and to provide individualized interventions and support to address the at-risk behavior. The report shall be provided to the Mayor, the Committee on Finance, the Committee on Budget and Government Operations, and the Committee on Police and Fire. On at least a quarterly basis, the Department of Police shall present on the progress of such implementation to the Joint Committee on the Budget and Government Operations and Police and Fire at a public hearing held pursuant to Section 2-84-520(b) of the Municipal Code of Chicago.

## **ARTICLE V. MISCELLANEOUS**

**SECTION 1.** Section 2-32-1700 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and by adding the language underscored, as follows:

### **2-32-1700 Definitions.**

Whenever the following words and phrases are used in this Article, they shall have the meanings respectively ascribed to them:

"Administrative hearing violation" means a violation of the Code for which a fine, restitution, and other costs, have been imposed by the Department of Administrative Hearings, except for:

- (a) a Tax;
- (b) failure to pay a debt due and owing the City pursuant to Section 1-20-090 of the Code;
- (c) wage garnishment proceeding conducted pursuant to Section 2-32-392 of the Code;

(d) a parking, standing, compliance, automated speed enforcement system, automated traffic law enforcement system violation, or tow initiated pursuant to authority granted under Sections 9-92-010 or 9-92-030 of the Code, for which a Fine or Other Costs were imposed by the Department of Administrative Hearings;

(e) any violation of Chapters 1-21 (False Statements) or 1-22 (False Claims) of this Code;

(f) any violation for which the City has: (i) commenced a case in a court of competent jurisdiction for the collection of the debt owed on said violation; or (ii) obtained a judgment from a court of competent jurisdiction within the past seven years for the collection of the debt owed on said violation;

(g) any violations for which a vehicle was impounded by the City and the City is still in possession of such vehicle; ~~or~~

(h) any violation in which there is a pending motion to set-aside a default before the Department of Administrative Hearings; or

(i) any violation in which there is a pending State offset with the Illinois Department of Revenue.

*(Omitted text is unaffected by this ordinance)*

“Pay” means to make payment by cash, credit card, check or other means acceptable to the Department.

“Pending State offset” means any outstanding debt collected from filed State tax returns, lottery winnings, State wage garnishments, and other sources of State funds that the State of Illinois has withheld due to a hardship debtor’s debt owed to the City or State.

“Restitution” means an amount of money ordered by the Department of Administrative Hearings to be paid by a hardship debtor as recompense for injury or financial loss to either the City or a third party.

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

**2-60-020 Corporation Counsel – Appointment – Powers and duties.**

*(Omitted text is unaffected by this ordinance)*

(g) Provide, at the Corporation Counsel’s discretion, guidance for legal compliance and coordination with the Department of Law to practicing attorneys who serve the City in other City departments under titles that signify the practice of law. Such attorneys shall act in compliance with the Corporation Counsel’s authority and direction pursuant to this section. Titles that signify the practice of law shall be determined jointly by the Department of Law, the Department of Human Resources, and the Office of Budget and Management. Except as otherwise provided in rules promulgated by the Corporation Counsel, all City attorneys under titles that signify the practice of law are prohibited from the outside practice of law. Employees

who are licensed attorneys but are not employed under titles that signify the practice of law are prohibited from providing legal advice on City matters and from representing themselves as attorneys for the City in any capacity. The Corporation Counsel may promulgate rules necessary for the proper administration of this subsection (g). Nothing in this subsection (g) shall be construed to alter or limit the powers and duties of the Office of Inspector General pursuant to Section 2-56-030.

(h) Provide, pursuant to rules promulgated by the Corporation Counsel, reasonable restrictions on post-employment legal representation of the City as outside counsel by former Department of Law employees.

**SECTION 3.** Section 2-92-340 of the Chicago Municipal Code is hereby amended by adding the language underscored, and deleting the language struck through, as follows:

**2-92-340 Prequalification of contractors.**

(a) ~~The chief procurement officer~~ Chief Procurement Officer is hereby authorized to prequalify contractors as the exclusive responsible bidders for: (i) roof repair, (ii) building demolition, (iii) board-up work, ~~or~~ (iv) emergency bridge or viaduct repair, or (v) contracts on City-owned real property and for infrastructure repairs or improvements including, but not limited to, for water and sewer infrastructure and roadways, based on such contractors' responses to a request for qualifications ("R.F.Q.") which has been publicly advertised and issued by the ~~chief procurement officer~~ Chief Procurement Officer for the respective type of work. Any such R.F.Q. shall specify those criteria that the ~~chief procurement officer~~ Chief Procurement Officer deems necessary to determine whether respondents are qualified to perform the type of work addressed by the R.F.Q. Such criteria may include the respondent's financial capability, experience, past performance, adequacy of equipment, ability to perform the work on a timely basis, and other pertinent considerations. The R.F.Q. shall also set forth terms and conditions which will govern the performance of any work which may be awarded to a respondent who becomes prequalified as a responsible bidder.

(b) Respondents shall have at least 20 calendar days from the date of issuance of the R.F.Q. to submit their responses to the ~~chief procurement officer~~ Chief Procurement Officer.

(c) After having received responses to the R.F.Q., the Chief Procurement Officer may solicit additional responses to the R.F.Q. for the purpose of adding to the list of prequalified contracts selected pursuant to the R.F.Q. for any work listed in subsection (a). The Chief Procurement Officer shall publicly advertise such solicitation for additional responses. Respondents shall have at least 20 calendar days from the date of such publication to submit their responses to the Chief Procurement Officer.

(d) ~~The chief procurement officer~~ Chief Procurement Officer shall publicly advertise any material addenda to the R.F.Q. and respondents shall have at least ten calendar days thereafter to submit their responses to the ~~chief procurement officer~~ Chief Procurement Officer.

**SECTION 4.** Section 2-92-370 of the Chicago Municipal Code is hereby amended by adding the language underscored, and deleting the language struck through, as follows:

**2-92-370 Contract award procedure.**

Whenever a using department identifies a need for roofing repair, building demolition, or board-up work, emergency bridge or viaduct repair, or contracts on City-owned real property and for infrastructure repairs or improvements including, but not limited to, for water and sewer infrastructure and roadways, the ~~chief procurement officer~~ Chief Procurement Officer shall provide all of the contractors on the responsible bidder list for the respective type of work a sufficiently detailed description of the work to enable them to submit sealed bids for the work. The ~~chief procurement officer~~ Chief Procurement Officer may require such contractors to inspect the work site and shall allow them at least ten days, exclusive of Sundays and legal holidays, to submit sealed bids. The ~~chief procurement officer~~ Chief Procurement Officer shall award the contract for the work to the responsive bidder offering the lowest sealed bid price, in cases where competitive bidding is required and appropriate for such contract, pursuant to the provisions of Sections 8-10-3 and 8-10-4 of the "Municipal Purchasing Act for Cities of 500,000 or More Population", codified at 65 ILCS 5/8-10-3 and 65 ILCS 5/8-10-4, as amended.

If the contract award procedure set forth in the above paragraph would, in a specific instance, result in a delay which would cause imminent hazard to public safety or substantial damage to property, the ~~chief procurement officer~~ Chief Procurement Officer may, in such an instance: (i) authorize the use of prequalified contractors and make provisions for immediate use of such contractors by the using department or departments, subject to a limit on expenditures of public funds of \$500,000.00 for such immediately authorized work, or (ii) follow an expedited contract award procedure which solicits bids from less than all contractors on the responsible bidder list and/or which allows less than ten days for the submittal of bids.

**SECTION 5.** Section 2-102-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

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

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

*(Omitted text is unaffected by this ordinance)*

(m) Subject to the approval of the ~~corporation counsel~~ Corporation Counsel as to form and legality, to negotiate and execute on behalf of the ~~city~~ City leases, right-of-entry agreements, easements, and other agreements allowing temporary access to private and public property in order to facilitate construction projects under the supervision of the department of transportation, which agreements may include terms providing for indemnification;

*(Omitted text is unaffected by this ordinance)*

**SECTION 6.** Section 2-120-140 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and by adding the language underscored, as follows:

**2-120-140 Meetings and organization.**

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

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

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

**SECTION 7.** Section 4-4-060 of the Chicago Municipal Code is hereby amended by adding the language underscored, as follows:

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

*(Omitted text is unaffected by this ordinance)*

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

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

If the Commissioner disapproves the license application or renewal, the Commissioner shall notify the applicant in writing of the reasons for such disapproval. Such notice shall be sent to the applicant, by email to an email address listed on the application or otherwise reasonably calculated to reach the applicant based on previous contacts with the Department, within five calendar days after the date on which such disapproval occurs. If no email address has been listed on the application or used in previous contacts with the Department, the notice shall be sent by first class mail addressed to the applicant at the address identified in the license application, within five calendar days after the date on which such disapproval occurs. Within ten calendar days after such notice is emailed or mailed, the license applicant may make a written request to the Commissioner for a hearing on the disapproved application. Within ten calendar days after such written request for a hearing is made, a public hearing shall be authorized before a hearing officer appointed by the Commissioner. Such public hearing shall be commenced within ten calendar days after such hearing is authorized.

Within 14 calendar days after completion of such hearing, the hearing officer shall report the findings to the Commissioner. If the Commissioner determines after such hearing that the license application or renewal should be denied, the Commissioner shall, within 60 calendar days after such hearing has been concluded, state the reasons for the Commissioner's determination in a written finding and shall serve a copy of such written finding upon the license applicant. The Commissioner's determination shall be final and may be appealed in the manner provided by law.

*(Omitted text is unaffected by this ordinance)*

**SECTION 8.** Section 7-28-215 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and by adding the language underscored, as follows:

**7-28-215 Commercial refuse containers – Permit required.**

*(Omitted text is unaffected by this ordinance)*

(D) *Permit fee.* Except with respect to refuse containers intended and used exclusively either: (i) for the collection of recyclable materials or (ii) by a unit of local government or school district that levies a property tax exclusively within the City of Chicago, as to which there shall be no permit fee, the permit fee for each refuse container permitted pursuant to this section shall be as follows:

Type A (under one cubic yard).....\$17 5  
Type B (one to two cubic yards).....\$32 9  
Type C (two to 10 cubic yards).....\$63 18  
Type D (over 10 cubic yards).....\$164 46  
Type R (used exclusively for recycling).....no fee

~~Beginning January 1, 2021, and e~~Each year on January 1st thereafter, this permit fee shall automatically be increased in proportion to any increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers for the Chicago metropolitan area, up to 2.5 percent in any one year, rounded to the nearest whole number, or in an amount that the Commissioner determines is supported by the costs associated with administering such permit. The Commissioner shall ensure that such permit fee is published on a publicly accessible website. A permittee shall also be responsible for additional charges above the cost of the permit fee as described in this section.

The Commissioner of Transportation is authorized, by rule, to impose an additional technology surcharge of up to 10 percent of the above fees as may be necessary to administer data collection using the verification technology provided for in Section 7-28-217(a). Such surcharge shall be added to and payable as part of the permit fee. The permit shall be valid for a ~~four~~ one-month period ~~beginning on April 1, August 1, and December 1 of each year. In each year the permit fee shall be paid no later than the following dates, unless a different payment schedule is specified by the Commissioner of Transportation by rule:~~

~~July 15 for the period beginning April 1.~~  
~~November 15 for the period beginning August 1.~~  
~~March 15 for the period beginning December 1 of the previous year.~~

(E) *Enforcement.* This section shall be enforceable by ~~any one of the following:~~ the Commissioner of Streets and Sanitation, the Commissioner of Transportation, the Commissioner of Business Affairs and Consumer Protection, or the Comptroller, or their respective designees. The Commissioner of Transportation shall have the authority to promulgate such rules as the Commissioner deems necessary or appropriate for the proper administration and enforcement of this section. The Comptroller may require that a provider produce such records and other information that the Comptroller considers necessary to determine compliance with this section.

*(Omitted text is unaffected by this ordinance)*

**SECTION 9.** Section 9-76-160 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**9-76-160 Registration plates.**

(a) Every vehicle in the City subject to the registration plates requirements of the Illinois Vehicle Code shall bear registration plates in the manner required by that Code. It is illegal to park a vehicle on any roadway if the registration plate or other registration material fails to comply with this subsection. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense. Specific requirements for covered vehicles are set forth below:

*(Omitted text is unaffected by this ordinance)*

(5) It is unlawful for any person

*(Omitted text is unaffected by this ordinance)*

(D) to leave any vehicle on the public way with a registration plate, digital registration plate, or temporary permit that is (i) not registered to that vehicle, or (ii) equipped with registration plate or digital registration plate covers, or any other cover, coating, wrapping, material, streaking, distorting, holographic, reflective, or other device that obstructs the visibility or electronic image recording of the registration plate or digital registration plate.

*(Omitted text is unaffected by this ordinance)*

**SECTION 10.** Section 9-108-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**9-108-020 Purpose – Establishment of automated parking enforcement pilot program.**

*(Omitted text is unaffected by this ordinance)*

(b) The Mayor, the Chief Financial Officer, the Comptroller, and the Commissioner are each authorized, severally or jointly, to negotiate, execute, and deliver any and all agreements, contracts, cost reimbursement or revenue-sharing partnerships, or instruments (for purposes of this subsection, collectively referred to as "contractual arrangements") as the executing officer shall deem necessary, advisable, or appropriate in connection with the implementation of the pilot program established under this chapter, and to take all additional actions as necessary or appropriate to carry out the pilot program. Should the Smart Street Pilot

Program be extended or made permanent, each authorized officer specified in this subsection may, severally or jointly, extend any such contractual arrangement, as the executing officer shall deem necessary, advisable, or appropriate, until such time as a new contractual arrangement is duly entered into.

*(Omitted text is unaffected by this ordinance)*

**SECTION 11.** Section 9-108-080 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**9-108-080 Expiration.**

This chapter shall be repealed, and the Smart Streets Pilot Program shall expire and be terminated, without further action by the City Council, on ~~the second anniversary of the date on which the first notice of violation is issued pursuant to the Smart Streets Pilot Program~~ December 21, 2026.

**SECTION 12.** Section 11-12-320 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by adding the language underscored, as follows:

**11-12-320 Metered billing; estimates for metered service.**

City water supplied for other than fire purposes through service pipes controlled by water meter shall be charged and paid for on the basis of the amount registered by such meter, except in cases where it shall be found that such meter is registering incorrectly, has stopped registering, or has not been read before the issuance of the next bill.

In such cases, charge and payment shall be made on an estimate prepared by the Comptroller, or the Comptroller's designee, based on the average of 12 preceding readings of such meter, excluding excessive or deficient readings.

Where such meter has been installed for a lesser period than one year, or where less than 12 competent readings exist, such estimate may be based on a lesser number than 12 readings taken preceding or subsequent to such incorrect or stopped registration. Changed condition of occupancy or use, making for greater or less consumption during such period of incorrect or stopped registration, shall be taken into consideration in the preparation of such estimate.

~~Once a meter is again read, if it registers the amount of water consumed in the intervening period since the meter was last read, the following bill will reflect the actual water consumption from the most recent billing period, and will account for the difference between the estimated and actual consumption for the period between water meter readings. However, if the meter has not been read in 24 consecutive months, through no fault of the person who owns or controls the property, the bills for actual metered water will begin after a billing cycle during which the actual metered amount for the full period is recorded and only reflects that period, that is, without charging for a difference in the estimated and actual amounts for the period prior to the actual metered amount for that billing cycle~~ the following bill shall reflect: (i) the actual consumption for the most recent billing period, (ii) any actual consumption found to have occurred during the period in which the meter was not read, and (iii) a charge for the difference between actual consumption based on the most recent meter reading and the estimated consumption. If this calculation results in an increase in water bill

charges and the Comptroller, or the Comptroller's designee, finds that such increase is through no fault of the owner or person who controls the property, the bill subsequent to the first bill in which the water meter is read after a minimum of 24 consecutive months shall reflect: (i) the actual consumption for the most recent billing period and (ii) an adjustment of the previous bill to reflect an estimated amount for the previous billing period only.

**SECTION 13.** Section 4-156-032 of the Municipal Code of Chicago, which regards an alternative tax imposed on tour boat operators, is hereby repealed in its entirety.

## **ARTICLE VI. SEVERABILITY, SUPERSEDER**

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

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

## **ARTICLE VII. EFFECTIVE DATES**

**SECTION 1.** After passage and approval:

(a) SECTION 1 of Article III of this ordinance that amended Section 2-31-047 of the Municipal Code of Chicago ("Code") shall take effect on January 1, 2026.

(b) SECTION 1 of Article III of this ordinance that: (i) added Subsection 2-31-020(7), Subsection 2-31-020(8), Subsection 2-31-040(a)(30) to Subsection 2-31-040(a)(35), inclusive, and Section 2-31-060 in the Code; and (ii) amended Section 2-31-050 of the Code, and SECTION 2 of this ordinance, shall take effect as soon as possible after January 1, 2026, but no later than March 1, 2026, as determined by the Budget Director, the Chief Sustainability Officer, and the Commissioner of Fleet and Facility Management.

(c) The remainder of Article III of this ordinance shall take effect as soon as possible after January 1, 2026 but no later than May 1, 2026, as determined by the Budget Director, the Chief Sustainability Officer, and the Commissioner of Public Health.

**SECTION 2.** The Budget Director, the Chief Sustainability Officer, the Commissioner of Public Health, and the Commissioner of Fleet and Facility Management, in consultation with the Mayor's Office, shall facilitate the implementation of Article III of this ordinance. After passage and approval, this SECTION 2 takes effect on January 1, 2026.

**SECTION 3.** After passage and approval, all remaining articles and sections of this ordinance shall take effect on January 1, 2026.