

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.	Water
Article II.	Authority Clarification
Article III.	Department of the Environment
Article IV.	Enforcement
Article V.	Miscellaneous
Article VI.	Severability; Superseder
Article VII.	Effective Dates

ARTICLE I. WATER

SECTION 1. Section 7-28-235 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and by adding the language underscored, as follows:

7-28-235 City refuse collection – Fee.

(Omitted text is unaffected by this ordinance.)

(c) The refuse collection fee for a ~~person 65 years or older who (i) owns and resides in his own dwelling unit, and (ii) receives a Senior Citizen Assessment Freeze Homestead Exemption for that dwelling unit pursuant to 35 ILCS 200/15-172~~ persons who receive an exemption from payment of the sewer service charge pursuant to Section 3-12-050(a), shall be 50% of the refuse collection fee set forth in subsection (b). The Comptroller is authorized to promulgate rules for the administration of this subsection, including any requirements for an application in a form and format prescribed by the Comptroller.

(d) A late payment penalty assessed at a monthly rate of one and one-quarter percent shall be imposed on all refuse collection fees for which payment in full is not received within 24 calendar days from the date the unified statement of charges was sent as shown by the records of the Department of Finance. Where the correctness of a charge imposed under this section is disputed and where complaint of such incorrectness has been made prior to the time the usual penalty would be imposed, and where the adjusting of such complaint requires additional time, the penalty may be held in abeyance up to and including the tenth day

succeeding the resending of such bill. The late payment penalty established pursuant to this subsection shall not be imposed upon an account to which subsection (c) applies.

(Omitted text is unaffected by this ordinance.)

SECTION 2. Section 11-12-486 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and by adding the language underscored, as follows:

11-12-486 Annual water report.

On or before ~~February~~ April 1 of each year, the Commissioner and Comptroller shall submit a report to the Committee on Finance and the Committee on the Budget and Government Operations concerning water shutoffs conducted pursuant to Section 11-12-015 during the prior calendar year.

(Omitted text is unaffected by this ordinance.)

SECTION 3. Section 11-12-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

11-12-010 Definitions.

For purposes of this chapter, the following definitions shall apply:

"Commissioner" means the City's Commissioner of Water Management.

"Comptroller" means the City's Comptroller of the Department of Finance.

"Department" means the City's Department of Water Management.

(Omitted text is unaffected by this ordinance.)

SECTION 4. Section 11-12-540 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by adding the language underscored, as follows:

11-12-540 Exemptions from charges.

(a) ~~The comptroller~~ Comptroller shall exempt the following properties and entities from the payment of water service charges, as specified in this section, if: (i) the property receiving the water is located within the corporate limits of the City; (ii) the property receiving the water is used exclusively by the entity; and (iii) the water account for the property receiving the water is controlled by meter. ~~rates the property enumerated in this subsection (a) if the account for such property is controlled by meter, as follows.~~ If the account for such property is not controlled by meter, no exemption shall apply.

(Omitted text is unaffected by this ordinance.)

(2) ~~All property owned or leased or occupied by the~~ The City of Chicago shall be exempt from payment of 100% of the water service charge, unless ~~said the~~ the City, either as lessee or lessor, shall enter into an agreement for the payment of ~~rates the~~ water service charge by the other party.

(3) ~~All property owned or leased or occupied by the~~ The Chicago Public Schools shall be exempt from payment of 100% of the water service charge, unless said entity,

either as lessee or lessor, shall enter into an agreement for the payment of rates the water service charge by the other party.

(4) ~~All property owned or leased or occupied by the~~ The City Colleges of Chicago shall be exempt from payment of 100% of the water service charge, unless said entity, either as lessee or lessor, shall enter into an agreement for the payment of rates the water service charge by the other party.

(5) ~~Hospitals located within the corporate limits of the City that are operated by the Cook County government~~ shall be exempt from payment of 100% of the water service charge.

(6) ~~Except as otherwise provided in paragraph (5) of this subsection (a), not~~ Not-for-profit disproportionate share hospitals located within the corporate limits of the City, except as otherwise provided in paragraph (5) of this subsection (a), shall be exempt from payment of 60% of the water service charge in 2012, 40% of the water service charge in 2013, and at least 25% of the water service charge in 2014 and thereafter, if such not-for-profit hospital qualifies for a disproportionate share adjustment consistent with Section 148.120 of Subchapter d of Chapter I of Title 89 of the Illinois Administrative Code, as amended, codified at 89 Ill. Adm. Code § 148.120. Provided, however, that in 2014 and thereafter, if such disproportionate share hospital has net assets or fund balances of:

(i) Less than One Million Dollars (\$1,000,000.00) at the end of the tax year or calendar year immediately preceding the calendar year in which the exemption from payment of the water service charge is being claimed, such disproportionate share hospital shall be exempt from payment of 100% of the water service charge;

(ii) One Million Dollars (\$1,000,000.00) or more but less than Ten Million Dollars (\$10,000,000.00) at the end of the tax year or calendar year immediately preceding the calendar year in which the exemption from payment of the water service charge is being claimed, such disproportionate share hospital shall be exempt from payment of 60% of the water service charge.

(7) Public museums shall be exempt from payment of 20% of the water service charge, if such public museum is eligible to receive funds for capital development under subdivision (7) of § 1-25 of the Department of Natural Resources Act, as amended, codified at 20 ILCS 801/1-1 et seq.

(8) Not-for-profit organizations, as defined in subparagraph (8)(v) of this subsection (a), other than any entity identified in paragraphs (1) through (7) of this subsection (a), that adopt a water conservation plan and perform within the corporate limits of the city City charitable work benefiting the public, shall be exempt in 2013 and thereafter from payment of the water service charge ~~for water supplied to premises owned and used and occupied exclusively by such not-for-profit organization~~, as follows:

(Omitted text is unaffected by this ordinance.)

(v) As used in this paragraph (8), the term "not-for-profit organization" means an Illinois corporation organized and existing under the General Not For Profit Corporation Act of 1986, codified at 805 ILCS 105, in good standing with the State and having been granted status as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986.

(b) Responsibilities for installation costs and authority to enter payment agreements.

(1) The supply to all premises enumerated in this section on which water may be taken from the waterworks system of the City of ~~Chicago~~ shall be controlled by meter, and the cost of meter, its installation, connections, and vaults thereof, and the erection, construction, and maintenance thereof shall be paid for and be borne by the institution or owner thereof.

Nothing contained in this paragraph shall be held to exempt property of the United States, of the State of Illinois, or of any of its political subdivisions except as hereinbefore mentioned.

(2) If, at the determination of the City, a vault is required to be built on the public right of way prior to the installation of a water meter at a location owned by a not-for-profit organization as defined in subparagraph (8)(v) of subsection (a) of this section, and such not-for-profit organization demonstrates to the satisfaction of the ~~comptroller~~ Comptroller that the organization will suffer undue financial hardship if the organization is required to pay the costs associated with installing the vault and water meter, including any additional costs that may be incurred by the City in connection with the excavation of the associated structure, the ~~comptroller~~ Comptroller may enter into a written installment plan agreement with such not-for-profit organization allowing the organization to pay such costs over an extended period of time in substantially equal installments. Failure to comply with the terms of the installment plan agreement may result, if applicable, in loss of the not-for-profit organization's water service charge payment exemption under paragraph (8) of subsection (a) of this section ~~from payment of the water service charge~~.

Each installment plan shall be in a form prescribed by the ~~comptroller~~ Comptroller, and shall state the organization's total indebtedness to the City for such costs, the amount of the initial installment, the amount of each subsequent installment, the date by which each installment is due, the penalty for delinquency under the installment plan, and such other provisions as the ~~comptroller~~ Comptroller may require. Provided, however, that the ~~comptroller~~ Comptroller may deny any application where it is determined that the applicant has committed fraud or has failed to make a good faith effort to comply with this section. Any recommendation, action, or decision of the ~~comptroller~~ Comptroller regarding the existence of financial hardship or the financial hardship process shall be within the sole discretion of the ~~comptroller~~ Comptroller. Nothing in this subsection (b)(2) shall be construed to prohibit a not-for-profit organization from voluntarily making an initial minimum payment or monthly installment payment in an amount greater than provided in the installment plan agreement.

As used in this subsection (b)(2), the term "~~comptroller~~" means the ~~comptroller of the City of Chicago or the comptroller's designee~~.

(c) The ~~comptroller~~ Comptroller may fix such reasonable amounts of water as the ~~comptroller~~ Comptroller, following consultation with the ~~commissioner~~ Commissioner of water management, may deem to be sufficient for the requirements of said premises, and the exemption from payment of water ~~rates~~ service charges shall be limited to said reasonable amounts so fixed. All use of water in excess of said reasonable amounts shall be paid for at the rates for metered water hereinafter fixed in Section 11-12-310.

(d) Accounts against the property of any entity exempted under the provisions of items (1), (2), (3), (4), (5), (6), (7) or (8) of subsection (a) of this section shall be kept in the usual manner. Upon receipt of the initial application for such exemption, such account, which shall be metered, shall be inspected by authorized personnel from the ~~department~~ Department of water management, who shall certify to the ~~comptroller~~ Comptroller whether the entity so inspected is eligible for the exemption under this section being claimed by such entity.

SECTION 5. Section 11-16-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and adding the language underscored, as follows:

11-16-010 Definitions.

As used in this chapter:

"A.S.T.M." means American Society for Testing Materials.

"City" means City of Chicago.

"Commissioner" means ~~commissioner~~ Commissioner of water management Water Management.

"Department" means ~~department~~ Department of water management Water Management.

"Private sewer" shall have the meaning ascribed to it in Section 18-29-202.

"Videotapes" or "videotaping" means closed circuit inspection.

SECTION 6. Section 11-16-150 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and adding the language underscored, as follows:

11-16-150 Duty to repair.

(a) It shall be the duty of the property owner, or property owners jointly, in a situation in which multiple persons own a portion or all of a private sewer, private drain, house sewer or other sewer structure, to maintain clean and free from obstruction any private sewer, private drain, house sewer or other sewer structure, up to the point where it connects to the eCity-owned sewer and to make any necessary repairs to the private sewer, private drain, house sewer or other sewer structure, except as indicated in Section 11-16-020.

(b) If the property owner violates this section, the eCommissioner shall notify the owner or owners in writing of his their duty to maintain or repair the private sewer, private drain, house sewer, or other sewer structure. The notification shall be sent via certified mail and shall contain the following information: (i) a statement describing the maintenance or repairs to be made; (ii) the number of days allowed for completing the maintenance or repairs compliance with this section; (iii) the penalty for noncompliance; and (iv) the date the notification was sent.

(c) If the maintenance or repairs described in the notification are not completed within five days after the time period specified in the notification that is sent pursuant to subsection (b) of this section, the eCommissioner shall may, subject to the availability of appropriated funds and subject to the owner or owners executing a right-of-entry agreement with the City, cause the maintenance or repairs to be done at the owner's or owners' expense. The owner or owners shall pay the eCity in full for any costs and expenses which the eCity incurs in connection with the performance of that work; provided, however, that (1) if the damage necessitating any maintenance or repair was caused by a utility company, the utility company shall be liable for any costs or expenses incurred by the eCity in connection with the performance of that work; and (2) the owner or owners shall not be liable to the eCity for any damage to any private drain, house sewer, or other sewer structure caused by the eCity or its employees or agents in the performance of eCity business.

SECTION 7. Section 18-29-603.3.6 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

18-29-603.3.6 Installation of taps.

No water main shall be tapped other than by a tapper employed by the Department of Water Management or a contractor hired by the Department of Water Management for lead service line replacement, and all tapping shall be performed only under the authority of the Commissioner of Water Management. All service cocks or ferrules must be inserted at or near the top of the street main, and not nearer than 6 inches (150 mm) from the bell of the pipe. The size of the cock shall be that specified in the permit. Each service pipe shall have its own independent tap at the main and said tap shall be of the type in use by the Department of Water Management.

ARTICLE II. AUTHORITY CLARIFICATION

SECTION 1. Section 2-25-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-25-050 Powers and duties of the department.

(Omitted text is unaffected by this ordinance.)

(b) *Powers and duties of the Commissioner and the Department.* The powers and duties of the Commissioner and Department shall be as follows:

(Omitted text is unaffected by this ordinance.)

(21) To advise, consult, enter agreements to share, interpret, and make recommendations based on, data, with and otherwise cooperate with, public and private entities ~~other agencies of the county, state and federal government~~ in furtherance of the duties prescribed herein. Any such data-sharing agreement may provide for indemnification;

(Omitted text is unaffected by this ordinance.)

SECTION 2. Chapter 2-60 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, by deleting the language struck through, and by adding new Section 2-60-090, as follows:

2-60-020 Corporation eCounsel – Appointment – Powers and duties.

There is hereby created the eOffice of eCorporation eCounsel. ~~He~~ The Corporation Counsel shall be appointed by the ~~m~~Mayor, by and with the advice and consent of the eCity eCouncil, and shall be the head of the eDepartment of law of the eCity.

The eCorporation eCounsel shall perform the following duties:

(a) Superintend and, with ~~his~~ the Corporation Counsel's assistants and clerks, conduct all the law business of the eCity;

(b) Appear for and protect the rights and interests of the eCity in all actions, suits and proceedings brought by or against it or any eCity officer, board or department, including actions for damages when brought against such officer in ~~his~~ the officer's official capacity;

(c) Appear for and protect the rights and interests of the eCity in all actions, suits and proceedings brought against any aAdministrative law eOfficer appointed pursuant to Chapter 2-14, including actions for damages, when brought against such eOfficer for performing duties for the eCity in ~~his~~ the Officer's official capacity. A lawyer representing an eOfficer pursuant to this subsection (c) may not during such period of representation appear before such eOfficer. The eCorporation eCounsel may promulgate such additional rules as necessary to ensure the proper administration of this subsection (c);

(d) Appear for and defend any member, officer, or employee of the eDepartment of Public hHealth, ~~police~~ eDepartment of Police or fire eDepartment who is sued personally for damages claimed in consequence of any act or omission or neglect of ~~his~~ the member's, officer's, or employee's official duties or in consequence of any act under color of authority or in consequence of any alleged negligence while engaged in the performance of such duties;

(e) Certify to the eCity eComptroller all judgments rendered against the eCity as of the date following the last day on which appeal may be made, when in the opinion of the eCorporation eCounsel no further proceedings are proper; provided, that when the eCorporation eCounsel is of the opinion that an appeal is not justified, ~~he the Corporation Counsel~~ may certify such judgment to the eCity eComptroller at any time, and provided further, that when a judgment is rendered against any member of the ~~police-d~~Department of Police for injury to person or property resulting from the performance of his ~~the member's~~ duties as a ~~policeman~~ police officer, ~~he the Corporation Counsel~~ shall certify such judgment to the eCity eComptroller for payment by the eCity, when, in his ~~the Corporation Counsel's~~ opinion, such member of the ~~police-d~~Department of Police has not been guilty of ~~wilful~~ willful misconduct and the eCorporation eCounsel is of the opinion that an appeal is not justified.

(f) Investigate, at his ~~the Corporation Counsel's discretion~~, acts of consumer fraud, unfair methods of competition, or deceptive practices by persons conducting business or trade in the eCity pursuant to Section 2-25-090.

(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. The Corporation Counsel may promulgate rules necessary for the proper administration of this subsection (g).

2-60-090 Corporation Counsel – Contractual authority.

The Corporation Counsel is authorized to enter into and execute contracts related to, and necessary for, the conducting of the law business of the City, including, but not limited to, contracts for: (i) engaging outside counsel or expert witnesses; (ii) the use of legal billing services, legal research services or eDiscovery platforms; and (iii) attorney membership in, and associated services from, bar associations. The Corporation Counsel is further authorized 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 and provisions providing indemnification, as shall be necessary or advisable in connection with the execution or implementation of such contracts, including any renewals thereto.

SECTION 3. The addition of Section 2-60-090 of this ordinance is intended to confirm and clarify rather than change existing law.

SECTION 4. Section 2-80-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-80-050 Commission – Powers and duties.

The Commission shall have the following powers and duties:

(Omitted text is unaffected by this ordinance.)

(u) Create operational policies and procedures for the Commission; and
(v) Monitor the Department's compliance with its policies; and
(w) Subject to approval of the Corporation Counsel as to form and legality, engage experts to provide the Commission with the analyses necessary to develop new or amended Policy.

SECTION 5. Section 2-80-080 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

2-80-080 Superintendent, Chief Administrator and Police Board – Selection; appointment.

(a) *Superintendent.* When a vacancy occurs in the position of Superintendent, the Commission shall hold at least four public hearings at which members of the public may provide recommendations to inform the Commission's selection of Superintendent candidates. At least one public hearing shall be held on the North Side of Chicago, the South Side of Chicago, and the West Side of Chicago.

To solicit candidates to fill the Superintendent vacancy, the Commission shall conduct a nationwide search, and may engage a nationally recognized organization with expertise in executive searches to perform a nationwide search, including recruiting candidates, thoroughly reviewing applications, conducting background checks, and conducting in-depth interviews of the best-qualified candidates. Qualified candidates will, at a minimum, demonstrate experience in leading proactive public-safety initiatives, advances in training and accountability, and increasing trust between police officers and the communities they serve.

(Omitted text is unaffected by this ordinance.)

SECTION 6. Section 2-84-056 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

2-84-056 Agreements related to training.

The Superintendent, in coordination with and subject to the approval of the Office of Public Safety Administration, is authorized to:

(1) negotiate and execute agreements with other governmental units, nonprofit and volunteer groups, and private parties to provide training and curriculum development for members of the Police Department or for persons required to be trained by the Department, or to provide training and testing for prospective members of the Department; and

(2) negotiate and execute agreements with other governmental units to provide training and curriculum development to municipal police departments or other law enforcement agencies of governmental units; and

(3) enter into and execute all such other instruments and to perform any and all acts, including the expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto, and including provisions providing indemnification.

ARTICLE III. DEPARTMENT OF THE ENVIRONMENT

SECTION 1. Chapter 2-31-040 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and inserting the language underscored, as follows:

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

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

(Omitted text is unaffected by this ordinance.)

(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; and

(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.

(Omitted text is unaffected by this ordinance.)

SECTION 2. Chapter 2-31-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

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 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 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 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 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 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, shall remain in effect until amended or repealed by the Chief Sustainability Officer.

SECTION 3. Chapter 2-51-050 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and inserting the language underscored, as follows:

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 unaffected by this ordinance.)

(18) To procure and oversee public utilities for City-owned or City-leased facilities, including airport facilities; ~~and to oversee the implementation of public utility franchise agreements, without being bound by the time and term limitations set out in 65 ILCS 5/8-1-7;~~

(19) ~~To operate, oversee and maintain the City's opt-out electricity aggregation program;~~ [Reserved]

(20) To enter into grant agreements with government entities, private businesses and civic groups necessary to implement energy conservation programs at all public buildings and public grounds operated, managed and maintained by the Department;

(Omitted text is unaffected by this ordinance)

SECTION 4. Chapter 18-14 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and inserting the language underscored, as follows:

18-14-101 General.

18-14-101.1 Title.

This Chapter 18-4 of Title 18 shall be known as the Building Energy Use Benchmarking Ordinance of the City of Chicago, and shall be cited as such. It is referred to herein as "this eChapter".

18-14-101.2 Scope.

This eChapter applies to all covered buildings.

18-14-101.3 Definitions.

For purposes of this eChapter the following definitions shall apply:

"Benchmark" means to track and input a building's energy consumption data, water usage data and other relevant building information for 12 consecutive months, as required by the benchmarking tool, to quantify the building's energy use.

"Benchmarking tool" means the website-based software, commonly known as "Energy Star Portfolio Manager", developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy use of buildings nationwide. This term also applies to any successor system thereto, including any change or addition made to such tool by the United States Environmental Protection Agency.

"Building" means a structure, or part thereof, enclosing any use or occupancy.

"Certificate of occupancy" means the certificate issued by the ~~z~~Zoning ~~a~~Administrator or the ~~b~~Building ~~e~~Commissioner allowing building occupancy or use.

~~"Commissioner" means the city's commissioner of business affairs and consumer protection.~~

"Chief Sustainability Officer" means the Chief Sustainability Officer, as established in Section 2-31-015, or the Chief Sustainability Officer's designee.

"Covered building" means any Group 1 covered building or Group 2 covered building, as defined by this eChapter. The term "covered building" does not include any building where more than 10 percent of the floor area is classified as Group A-5, F, H, S, or U in accordance with Chapter 14B-3 of this Code.

"Data center" means a space specifically designed and equipped to meet the needs of high-density computing equipment such as server racks, used for data storage and processing, as defined by the benchmarking tool.

"Energy performance rating" means an energy performance star designation that the ~~commissioner~~ Chief Sustainability Officer assigns to a covered building pursuant to the energy performance rating system.

"Energy performance rating system" means a system for rating and classifying covered buildings' energy performance scores or, if a covered building does not receive an energy performance score from the benchmarking tool, its EUI. The system may also include the rating of covered buildings' energy performance improvement over time.

"Energy performance score" means the 1 to 100 numerical score produced by the benchmarking tool, also known as Energy Star score, or any successor score thereto. The energy performance score assesses a building's energy performance relative to similar buildings, based on source energy use, operating characteristics, and geographical location.

"Energy use intensity" or "EUI" means a numeric value calculated by the benchmarking tool that represents the energy consumed by a building relative to its size.

"Group 1 covered building" means any building or group of buildings that have the same property identification or index number (PIN) or, with regard to condominium buildings, any building in which the first seven digits of the property identification or index number (PIN) of the units are the same, containing 250,000 or more gross square feet, as identified by the ~~commissioner~~ Chief Sustainability Officer.

"Group 2 covered building" means any building or group of buildings that have the same property identification or index number (PIN) or, with regard to condominium buildings, any building in which the first seven digits of the property identification or index number (PIN) of the units are the same, containing 50,000 or more gross square feet but less than 250,000 gross square feet, as identified by the ~~commissioner~~ Chief Sustainability Officer.

"Gross square feet" means the total number of square feet measured between the exterior surfaces of the enclosing fixed walls of a building. The term "gross square feet" includes

vent shafts, elevator shafts, flues, pipe shafts, vertical ducts, stairwells, light wells, basement space, mechanical or electrical rooms, and interior parking.

"Licensed professional" means a professional engineer or a registered architect licensed in the State of Illinois, or another trained individual as prescribed by rule.

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

"Reported benchmarking information" means descriptive information about a building, its operating characteristics, and information generated by the benchmarking tool related to the building's energy consumption, water usage and efficiency, as prescribed by rule. Reported benchmarking information includes, but is not limited to, the building identification number, address, square footage, energy performance score, energy use intensity, and annual greenhouse gas emissions, and water usage.

"Residential occupancy" means any building occupancy use classified as Group R in accordance with Chapter 14B-3 of this Code.

18-14-101.4 Solicitation of compliance information and water usage data.

(a) (1) Within 30 days of a request by the building owner, each tenant of a unit in a covered building shall provide all information that cannot otherwise be acquired by the building owner and that is necessary for the building owner to comply with the requirements of this Chapter.

(2) Any owner of a covered building shall request such information no later than March 1 of the years in which benchmarking is required by Section 18-14-102.1. If the owner of a covered building receives notice that a tenant intends to vacate a unit which is subject to the requirements of this subsection, the owner shall request the information specified in this subsection within 10 days of such notice, and the tenant shall provide such information within 30 days of the request.

(3) The failure of any tenant to provide the information required under this subsection to the owner of a covered building shall not relieve such owner of the obligation to benchmark the building as provided in Section 18-14-102.1, using all information otherwise available to the owner.

(4) Failure of any tenant to provide the information required under this subsection to the owner of a covered building shall create a rebuttable presumption that the owner, tenant, or both have not complied with the time limits specified in this Section.

(5) If a tenant of a unit in a covered building fails to provide information to the owner of the building as provided in this subsection, the owner shall be considered to be in compliance with Section 18-14-102.1 with respect to the building if: (1) the owner proves that the owner has requested the tenant to provide such information as specified in this subsection; and (2) the owner has benchmarked the building as provided in Section 18-14-102.1, using all information otherwise available to the owner.

(b) The ~~e~~Commissioner of ~~w~~Water ~~m~~Management may transmit water usage information for covered buildings to the ~~e~~commissioner Chief Sustainability Officer. Except for covered buildings whose owners submit a request to the ~~e~~commissioner Chief Sustainability Officer, in a form and manner provided by rule, that the buildings' water usage data not to be made public, the ~~e~~commissioner Chief Sustainability Officer is authorized to make such water usage information readily available to the public.

Notwithstanding any other provision of this Chapter to the contrary, if the ~~e~~commissioner Chief Sustainability Officer makes a covered building's water usage information readily available to the public as provided in this subsection, the covered building owner may, at the owner's option, decide to include such water usage data in the covered building's benchmark or reported benchmarking information but the covered building owner is not required to do so.

18-14-101.5 Enforcement.

(a) ~~The commissioner~~ Chief Sustainability Officer is authorized to enforce this ~~eChapter~~. ~~The commissioner~~ Chief Sustainability Officer is also authorized to adopt rules and regulations for the proper administration and enforcement of this ~~eChapter~~.

(b) Any person who violates this ~~eChapter~~ may be subject to a fine of up to \$100.00 for the first violation, and an additional fine of up to \$25.00 for each day that the violation continues.

18-14-102 Energy use benchmarking, verification, and disclosure requirements.

18-14-102.1 Benchmarking.

(a) No later than June 1, 2014, and no later than June 1st each year thereafter, the owner of any Group 1 covered building shall benchmark such building for the previous calendar year; provided, however, the owner of any Group 1 covered building with 10 percent or more residential occupancy shall benchmark such building for the previous calendar year no later than June 1, 2015, and no later than June 1st each year thereafter.

(b) No later than June 1, 2015, and no later than June 1st each year thereafter, the owner of any Group 2 covered building shall benchmark such building for the previous calendar year; provided, however, the owner of any Group 2 covered building with 10 percent or more residential occupancy shall benchmark such building for the previous calendar year no later than June 1, 2016, and no later than June 1st each year thereafter.

(c) The owner of any covered building shall retain all information tracked and input into the benchmarking tool for a minimum of three years beyond the date on which benchmarking was required.

Exception: ~~The commissioner~~ Chief Sustainability Officer may exempt from the benchmarking requirement the owner of a covered building that submits documentation, in a form prescribed by rule, establishing any of the following:

(i) The building is presently experiencing qualifying financial distress, as defined by any of the following: (1) the building is the subject of a qualified tax lien sale or public auction due to property tax arrearages, (2) the building is controlled by a court appointed receiver, or (3) the building has been acquired by a deed in lieu of foreclosure; or

(ii) The building had average physical occupancy of less than 50 percent throughout the calendar year for which benchmarking is required; or

(iii) The building is a new construction and the building's certificate of occupancy was issued during the calendar year for which benchmarking is required; or

(iv) The building had a change of ownership in the calendar year for which benchmarking is required.

18-14-102.2 Data verification.

Prior to the first benchmarking deadline prescribed by Section 18-14-102.1, and prior to each third benchmarking deadline thereafter, the owner of a covered building shall ensure that reported benchmarking information for that year is verified by a licensed professional. Such verification shall be in a form of a stamped and signed statement by a licensed professional attesting to the accuracy of the information. The owner of a covered building shall produce such statement for the most recent year in which verification of reported benchmarking information was required, in a form prescribed by rule, upon a written request by the ~~commissioner~~ Chief Sustainability Officer.

Exception: ~~The commissioner~~ Chief Sustainability Officer may exempt from the verification requirement the owner of a covered building that submits documentation, in a form prescribed by rule, establishing that compliance with this ~~sSection~~ will cause undue financial hardship. If no-cost or low-cost verification options are available, the ~~commissioner~~ Chief Sustainability Officer may suggest that the covered building use such alternative options.

18-14-102.3 Disclosure and rating.

(a) In accordance with the schedule prescribed by Section 18-14-102.1, the owner of any covered building shall submit reported benchmarking information for the previous calendar year, using the benchmarking tool, in a manner prescribed by the ~~commissioner~~ Chief Sustainability Officer.

(b) ~~The commissioner~~ Chief Sustainability Officer ~~and the chief sustainability officer~~ shall prepare and submit an annual report to the ~~m~~Mayor and the ~~e~~City ~~e~~Council reviewing and evaluating energy efficiency in covered buildings, including summary statistics on the most recent reported energy benchmarking information and a discussion of energy efficiency trends, cost savings, and job creation effects resulting from energy efficiency improvements.

(c) (1) ~~The commissioner~~ Chief Sustainability Officer shall establish and implement an energy performance rating system that assigns stars to covered buildings based on such buildings' energy performance scores. Beginning in calendar year 2019, the ~~commissioner~~ Chief Sustainability Officer shall annually, after covered buildings have submitted their reported benchmarking information as provided in 18-14-102.3, assign a rating to each covered building, as follows:

(i) A rating of four stars shall be assigned to those covered buildings whose energy performance scores are between 81 and 100, inclusive, or whose energy performance scores are between 61 and 80, inclusive, and which have shown a total of 10-point improvement in their energy performance scores in the previous two consecutive calendar years;

(ii) A rating of three stars shall be assigned to those covered buildings whose energy performance scores are between 61 and 80, inclusive, or whose energy performance scores are between 41 and 60, inclusive, and which have shown a total of 10-point improvement in their energy performance scores in the previous two consecutive calendar years;

(iii) A rating of two stars shall be assigned to those covered buildings whose energy performance scores are between 41 and 60, inclusive, or whose energy performance scores are between 11 and 40, inclusive, and which have shown a total of 10-point improvement in their energy performance scores in the previous two consecutive calendar years;

(iv) A rating of one star shall be assigned to those covered buildings whose energy performance scores are below 40; and

(v) A rating of zero star shall be assigned to those covered buildings whose reported benchmarking information is not timely submitted in violation of this ~~e~~Chapter.

(2) In addition to the rating provided in subsection (c)(1) of this ~~s~~Section, the ~~commissioner~~ Chief Sustainability Officer is authorized to assign an additional rating of half a star to a covered building that has an energy performance score which is close to: (i) the highest possible score; or (ii) the next higher rating, as determined by rule promulgated by the ~~commissioner~~ Chief Sustainability Officer.

(3) No rating shall be assigned to those covered buildings that: (i) are exempt from the benchmarking requirement as provided in 18-14-102.1(c); (ii) do not receive an energy performance score or EUI from the benchmarking tool for technical reasons acceptable to the ~~commissioner~~ Chief Sustainability Officer; or (iii) are unable to make energy efficiency improvements due to the building's infrastructure limitations or other acceptable technical reasons, as determined by the ~~commissioner~~ Chief Sustainability Officer after reviewing the application, supporting documentations and other relevant materials submitted by the owner as provided by rule.

(4) For buildings with no energy performance scores, the energy performance rating shall be based on EUI as compared to national medians.

(5) The ~~commissioner~~ Chief Sustainability Officer is authorized, by rule, to adjust the energy performance score thresholds for the energy performance rating system in order to ensure the energy performance ratings continue to reflect changing energy efficiency standards and best practices.

(d) The ~~commissioner~~ Chief Sustainability Officer shall provide each covered building with an energy rating card indicating the covered building's current year energy performance rating. Provided, however, no energy rating card shall be provided to covered buildings: (i) that are exempt from public disclosure of reported benchmarking information as provided in 18-14-102.3, (ii) that are exempt from the benchmarking requirement as provided in 18-14-102.1, or (iii) that do not receive an energy performance score or EUI from the benchmarking tool for technical reasons acceptable to the ~~commissioner~~ Chief Sustainability Officer.

(e) Upon receipt of an energy rating card, a covered building shall conspicuously post the energy rating card so that it is visible to the general public and to visitors prior to or upon entering the covered building. The energy rating card shall not be defaced, marred, camouflaged or hidden from public view.

(f) (1) A covered building owner, or agent thereof, shall not execute an oral or written lease or purchase agreement, contract to lease or sell, or accept any money or other valuable consideration in an application for an oral or written lease or purchase agreement for the entire building or a portion of the building without disclosing to the tenant, applicant or prospective buyer, in a form and manner prescribed by the ~~commissioner~~ Chief Sustainability Officer by rule, the covered building's current calendar year energy performance rating or energy performance score. The tenant, applicant, or prospective buyer shall sign a receipt acknowledging that such tenant, applicant, or prospective buyer has received the disclosure required by this subsection.

(2) A covered building owner, or agent thereof, shall include a covered building's current calendar year energy performance rating or energy performance score in any advertisements for sale or lease of the covered building or a portion of the building.

Exception: No disclosure shall be required under this subsection (f) if any portion of the covered building is subject to the utility costs disclosure requirements and exceptions provided in Chapter 5-16 of this Code.

Exception: No disclosure shall be required under this subsection (f) if the covered building is exempt from the benchmarking requirement as provided in 18-14-102.1(c).

(g) The ~~commissioner~~ Chief Sustainability Officer is authorized to make reported benchmarking information and energy performance ratings readily available to the public.

Exception: Unless a different result is mandated by applicable law, the ~~commissioner~~ Chief Sustainability Officer shall not make readily available to the public any individually attributable reported benchmarking information from the first calendar year that a covered building is required to benchmark.

Exception: Unless a different result is mandated by applicable law, the ~~commissioner~~ Chief Sustainability Officer shall not make readily available to the public any individually attributable energy performance rating assigned to a covered building until six months after initial ratings are assigned.

Exception: Unless a different result is mandated by applicable law, the ~~commissioner~~ Chief Sustainability Officer shall not make readily available to the public any individually attributable reported benchmarking information or energy performance rating pertaining to a covered building that contains a data center, television studio, or trading floor that together exceed 10 percent of the gross square footage of any such building until the ~~commissioner~~ Chief Sustainability Officer determines that the benchmarking tool can make adequate adjustments for such facilities. When the ~~commissioner~~ Chief Sustainability Officer determines

that the benchmarking tool can make such adjustments, it shall report such determination to the ~~m~~Mayor and the ~~e~~City ~~e~~Council.

SECTION 5. No later than August 1, 2025, the Chief Sustainability Officer and the Budget Director shall provide a report, written in consultation and regular coordination with the Departments of Fleet and Facility Management, Public Health, Law, Human Resources, Technology and Innovation, Procurement Services, Mayor's Office, Department of Finance, and other departments as appropriate, to the Mayor and the Committee on Environmental Protection and Energy detailing a transition plan for additional key environmental functions, including the logistical requirements to transfer relevant duties and personnel, into the Department of the Environment for implementation in 2026.

ARTICLE IV. ENFORCEMENT

SECTION 1. Section 1-20-020 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

1-20-020 Liability designated – Collection.

Any person who causes the ~~city~~ City or its agents to incur costs in order to provide services reasonably related to such person's violation of any federal, state or local law, or such person's failure to correct conditions which violate any federal, state or local law when such person was under a legal duty to do so, shall be liable to the ~~city~~ City for those costs. This section's references to "federal, state or local law" encompass, but are not limited to, codified and common law. This liability shall be collectible in the same manner as any other personal liability.

SECTION 2. The changes in Section 1 of this ordinance are intended to confirm rather than change existing law. The amendments shall be made effective as if they were included in the enactment of the ordinance.

SECTION 3. Section 1-21-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

1-21-010 False statements.

(a) Any person who knowingly makes a false statement of material fact to the ~~city~~ City in violation of any statute, ordinance, or regulation, or who knowingly makes a false statement of material fact to the ~~city~~ City in connection with any application, report, affidavit, oath, or attestation, including a statement of material fact made in connection with a bid, proposal, contract, or economic disclosure statement or affidavit, is liable to the ~~city~~ City for a civil penalty of not less than \$500.00 and not more than ~~\$1,000.00~~ \$10,000.00, plus up to three times the amount of damages which the ~~city~~ City sustains because of the person's violation of this section. A person who violates this section shall also be liable for the ~~city's~~ City's litigation and collection costs and attorney's fees. The penalties imposed by this section shall be in addition to any other penalty provided for in the ~~municipal code~~ Code.

(Omitted text is unaffected by this ordinance.)

SECTION 4. Section 1-22-050 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

1-22-050 Subpoenas.

(a) *In general.*

(Omitted text is unaffected by this ordinance.)

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

(Omitted text is unaffected by this ordinance.)

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

(b) *Protected material or information.*

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

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

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

(2) *Effect on other orders, rules and laws.* Any such subpoena which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law (other than this section) preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such subpoena does not constitute a waiver of any right or privilege which the person making such disclosure may be entitled to invoke to resist discovery of trial preparation materials.

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

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

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

(Omitted text is unaffected by this ordinance.)

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

(Omitted text is unaffected by this ordinance.)

(h) Oral examinations.

(Omitted text is unaffected by this ordinance.)

(6) *Witness fees and allowances.* Any person appearing for oral testimony under a subpoena issued under subsection (a) shall be entitled to the same fees and allowances which are paid to witnesses in the circuit court.

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

(Omitted text is unaffected by this ordinance.)

(3) *Conditions for return of material.* Subject to applicable state law, if If any documentary material has been produced by any person in the course of any investigation pursuant to a subpoena under this section and:

(A) any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any city City agency involving such material, has been completed, or

(Omitted text is unaffected by this ordinance.)

(j) *Judicial proceedings.*

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

(Omitted text is unaffected by this ordinance.)

(2) Petition to modify or set aside subpoena.

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

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

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

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

(Omitted text is unaffected by this ordinance.)

(4) *Jurisdiction.* Whenever any petition is filed in any circuit court under this subsection (j), such court shall have jurisdiction to hear and determine the matter so presented, and to enter such orders as may be required to carry out the provisions of this section. Any final order so entered shall be subject to appeal in the same manner as appeals of other final orders in civil matters. Any disobedience of any final order entered under this section by any court shall be punished as a contempt of the court.

(5) *Applicable law.* Petitions filed under this Section 1-22-050(j), whether petitions for enforcement or petitions to modify or set aside, shall be treated as motions under the applicable civil rules of procedure and not as initiating complaints.

SECTION 5. The changes in subsections (b), (c), (j)(1), and (j)(5) of Section 4 of this ordinance are intended to confirm rather than change existing law. The amendments shall be made effective as if they were included in the enactment of the ordinance.

SECTION 6. Section 2-25-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-25-010 Definitions.

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

"Commissioner" means the Commissioner of Business Affairs and Consumer Protection.

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

"Department" means the Department of Business Affairs and Consumer Protection.

"Trade" or "Business business in the City" means the advertising, distribution (including distribution for free), provision (including provision for free), offering for distribution, provision, or sale, sale, or lease of any good or service, of any property (tangible or intangible, real, personal, or mixed), and any other article, commodity, or thing of value, wherever situated, and shall include any trade or ~~commerce~~ business directly or indirectly affecting the people of the City.

SECTION 7. The changes in Section 6 of this ordinance are intended to confirm rather than change existing law. The amendments shall be made effective as if they were included in the enactment of the ordinance.

SECTION 8. Section 2-25-090 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

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

(a) No person shall engage in any act of consumer fraud, unfair method of competition, or unfair, abusive, or deceptive act or practice while conducting any trade or business in the city City. Any conduct constituting an unlawful act or practice under the Illinois

Consumer Fraud and Deceptive Business Practices Act, as now or hereafter amended, or constituting a violation of Chapter 5-8, Chapter 5-12, Section 7-4-040, Section 7-4-060, Section 8-4-325, or any other section of this Code relating to business operations or consumer protection, shall be a violation of this section. In construing this section, consideration shall be given to court interpretations relating to the Illinois Consumer Fraud and Deceptive Business Practices Act, as amended. In construing this section, consideration shall also be given to the interpretations of the Federal Trade Commission and the federal courts relating to Section 5(a) of the Federal Trade Commission Act, 15 U.S.C.A., Section 45, as well as interpretations of the Consumer Financial Protection Bureau and the federal courts relating to the Consumer Financial Protection Act of 2010, 12 U.S.C., Section 5531. Where this section provides broader authority than the Illinois Consumer Fraud and Deceptive Business Practices Act, the Consumer Financial Protection Act of 2010, or the Federal Trade Commission Act, limitations provided in those Acts shall not constrain the City's authority under this section. Nothing in this section shall be construed as permitting the regulation of any business to the extent that such regulation is not permitted under the statutory or home rule powers of the City.

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

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

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

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

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

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

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

(e) Whenever the Corporation Counsel has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation of potential ~~a violation~~ violations of this section has occurred, the Corporation Counsel may issue in writing and cause to be served a subpoena in accordance with the procedures of Section 1-22-050.

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

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

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

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

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

(g) Whenever the Corporation Counsel has reason to believe that a violation of this section has occurred, the Corporation Counsel may bring a civil action for all available relief, including civil fines as set forth in subsection (h);₁ restitution;₁ disgorgement;₁ equitable;₁ injunctive;₁ declaratory relief;₁ and attorney's fees and costs.

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

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

SECTION 9. The changes in subsections (c)-(h) of Section 8 of this ordinance are intended to confirm rather than change existing law. The amendments shall be made effective as if they were included in the enactment of the ordinance.

ARTICLE V. MISCELLANEOUS

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

ARTICLE XVI. ENVIRONMENT, HEALTH, AND SAFETY COMPLIANCE PROGRAM (2-32-1600 et seq.)

2-32-1600 Program administration.

(a) The Comptroller is authorized to administer a ~~City-wide~~ Citywide Environment, Health, and Safety Compliance Program (the "Program") for all City employees, except sworn members of the Police and Fire Departments. All included employees and their department heads shall cooperate with the Comptroller in implementing and participating in the Program. The Program's objectives are to: (i) protect employee environment, health, and safety, (ii) ensure compliance with OSHA reporting and other environmental, health, and safety regulatory requirements, (iii) create efficiencies in implementing the Program across City departments with standardized programs and training, (iv) improve employee productivity and morale, (v) improve, accelerate, and expand incident reporting, and (vi) reduce the number of incidents that result in employee lost time or damage to the environment.

(b) The Comptroller may carry out the duties set forth in subsection (a) of this section either directly, or through a designee, agent, or contractor, and is authorized to enter into one or more agreements to secure the services of such designee, agent, or contractor.

(c) The Comptroller shall assume all rights, powers, duties, and obligations, related to the City-wide Health and Safety Compliance Program from the Commissioner of Assets, Information, and Services, including all personnel, books, records, property, and funds related to the Program.

SECTION 2. Section 2-56-120 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and by inserting the language underscored, as follows:

2-56-120 Quarterly reports to eCity eCouncil.

No later than the fifteenth day of January, April, July, and October of each year, or the next business day after the fifteenth day of the relevant month, if the fifteenth day falls on a Saturday, a Sunday, or a holiday, the ~~i~~Inspector ~~g~~General shall file with the eCity eCouncil a report, accurate as of the last day of the preceding month, indicating: the number of investigations initiated since the date of the last report; the number of investigations concluded since the last report; the number of investigations pending as of the reporting date; the number of investigations that were declined in accordance with ~~subsection (b) of s~~Section 2-56-050(b) and the reasons for such declination, the number of complaints initiated but discontinued and the reasons for such discontinuations, the number of self-initiated complaints investigated by the ~~i~~Inspector ~~g~~General, and the number of complaints referred to other agencies pursuant to ~~subsection (a) of s~~Section 2-56-050(a) and the name of such agencies. Provided, however, that if all of the following three circumstances are present with regard to a complaint referred to another agency by the ~~i~~Inspector ~~g~~General, then he may delay including in his report any information related to that complaint until after the conclusion of the investigation associated with that complaint: (i) the complaint addresses potential criminal conduct and has been referred to a state or federal law enforcement agency; and (ii) the investigation of the conduct at issue is ongoing; and (iii) in the judgment of the ~~i~~Inspector ~~g~~General, public disclosure of the referral would compromise the effectiveness of the investigation. The report shall also include the number of investigations of the conduct of employees; the number of investigations of the conduct of appointed officials; the number of investigations of the conduct of elected officials; the number of investigations of the conduct of contractors, subcontractors, and persons seeking eCity contracts; the number of investigations of the conduct of persons seeking certification of eligibility for eCity contracts or other eCity programs; the number of investigations involving alleged misconduct; the number of investigations involving alleged waste or inefficiency.

SECTION 3. Section 2-80-070 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-80-070 District Councils – Establishment, purpose, composition and duties.

There is hereby established, within each District, a District Council.

(Omitted text is unaffected by this ordinance.)

(c) Each District Council shall be elected by residents of the District. Persons wishing to appear on the ballot, either as a candidate or a slate of candidates, for District Council shall file a statement of candidacy with the Chicago Board of Election Commissioners and submit petitions for nomination; the signature requirements for the petitions for nomination

of District Council candidates shall be equal to the lesser of: (i) 250 registered voters in the District; and (ii) 0.5 percent of the total number of registered voters in the District who voted in the next preceding Presidential election, but in no event fewer than a minimum of 25 registered voters in the District. Petitions for nominations under this subsection may contain the names of two or more candidates. If a petition for nomination contains the names of two or more candidates, the signature of a registered voter on such petition shall count towards the minimum signature requirement for each candidate whose name appears on the petition.

Beginning in 2023, and every four years thereafter, District Councils shall be elected in a nonpartisan election coinciding with the consolidated primary election held in odd-numbered years on the last Tuesday in February. The candidates in each District receiving the greatest, second greatest, and third greatest number of votes shall take office on the first Tuesday after the first Monday in May following their election.

In all District Council elections, voters may vote for up to three candidates.

Between the day established by law for the commencement of the circulation period for nomination petitions for District Council election and the day after the District Council election, District boundaries shall not be altered, unless necessary to address a public safety emergency, in which case the Superintendent shall publicly post the reason for the alteration.

If a vacancy occurs on any District Council, then the ~~vacancy shall be filled pursuant to 65 ILCS 5/3.1-10-54~~ Mayor shall appoint, with the advice and consent of the City Council, a new member to serve for the remainder of the unexpired term. When the Mayor is filling a District Council vacancy, the remaining member or members of the District Council shall, within 30 days of the vacancy being created, identify three people who meet the qualifications established in this Chapter and submit their names to the Commission. From among the names submitted by the District Council, the Commission shall, within 60 days of the vacancy being created, select a person to recommend to the Mayor to fill the vacancy. If all of the positions on a District Council become vacant, the Commission shall, within 60 days of the creation of each vacancy, select a person who meets the qualifications established in this Chapter to recommend to the Mayor to fill the vacancy.

All laws in force in the City governing elections for municipal offices or applicable thereto and not inconsistent with the provisions of this section shall apply to and govern all elections held under the terms of this section.

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. Article I, Section 1 of this ordinance shall take effect after passage and approval on July 1, 2025.

SECTION 2. Following passage and approval, the remainder of this ordinance shall take effect on January 1, 2025.