

ORDINANCE

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

SECTION 1. Section 10-36-351 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-36-351 Commissioner of aviation – Authority to establish secured areas.

(a) The Commissioner of Aaviation may establish secured areas within the eCity's airports. In establishing such an area, the Commissioner shall consider: the size and nature of the area; the nature of activities customarily conducted therein; the impact of the proposed secured area on the safety and efficiency of airport operations; and the impact of the proposed secured area on public convenience in moving through the airport. Security areas shall be clearly marked.

(b) It shall be a violation of this section for: (1) any person issued a security badge under Section 10-36-352; (2) any person working in an established secured area holding an identification badge or credential recognized by the Federal Transportation Security Administration under 49 CFR Parts 1542 or 1544; (3) any non-traveling individual accessing an established secured area under escort pursuant to Section 10-36-353(A)(c); or (4) any entity operating in such secured area at the airports, to violate any safety or security rule promulgated by the Federal Transportation Security Administration, the Federal Aviation Administration, or the Commissioner.

(c) It shall be a violation of this section for any person issued a security badge under Section 10-36-352 to carry or possess a firearm, as defined in Section 8-20-010, within a secured area. A violation of this subsection (c) shall be a Class 4 offense for purposes of Section 10-36-356.

SECTION 2. Section 10-36-355 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-36-355 Commissioner of aviation – Authority to issue rules.

The Commissioner of Aaviation shall issue rules for the administration and enforcement of Sections 10-36-351, 10-36-353, and 10-36-354, and 10-36-356. The rules shall include such matters as: periodic renewal of security badges; issuance of badges to employees or agents of persons doing business at an airport; surrendering of badges upon separation or transfer from employment; procedures and forms for applications and reports; ~~and display of security badges;~~ and classification of offenses in Sections 10-36-351 through 10-36-354 or any rule issued under this Section 10-36-355 for purposes of the penalties set under Section 10-36-356. Such classification of offenses shall be based on the severity of the offense and the potential harm they cause.

SECTION 3. Section 10-36-356 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-36-356 Violation – Penalty.

(a) Any person who violates Sections 10-36-351 through 10-36-354, or any rule issued under Section 10-36-355, shall be ~~fined not more than \$100.00 for a first offense, and not more than \$200.00 for a second offense, and not more than \$500.00 for each subsequent offense~~ penalized in accordance with the classification, as set by rule, for that violation. The penalties for each classification shall be:

(1) Class 1 offenses shall have fine ranges of: (i) a minimum of \$25 and maximum of \$75 for the first offense; (ii) a minimum of \$50 and maximum of \$100 for the second offense occurring within any 12-month period; (iii) a minimum of \$100 and maximum of \$200 for the third offense occurring within any 12-month period; and (iv) a minimum of \$200 and maximum of \$500 for the fourth or subsequent offense occurring within any 12-month period.

(2) Class 2 offenses shall have fine ranges of (i) a minimum of \$50 and maximum of \$200 for the first offense; (ii) a minimum of \$100 and maximum of \$400 for the second offense occurring within any 12-month period; and (iii) a minimum of \$200 and maximum of \$1000 for the third or subsequent offense occurring within any 12-month period. In addition to any fine, any person who is found liable of two or more class 2 offenses within a 12-month period may have their security badge revoked or suspended for up to 30 days in accordance with the hearing procedures listed under subsection (b) of this section.

(3) Class 3 offenses shall have fine ranges of (i) a minimum of \$200 and maximum of \$1000 for the first offense; (ii) a minimum of \$500 and maximum of \$2000 for the second offense occurring within and 12-month period; and (iii) a minimum of \$1000 and maximum of \$5000 for the third or subsequent offense occurring within any 12-month period. In addition to any fine, any person who is found liable of a class 3 offense may have their security badge revoked or suspended for up to 60 days in accordance with the hearing procedures listed under subsection (b) of this section.

(4) Class 4 offenses shall have a fine range of a minimum of \$1000 and maximum of \$5000 for any offense. In addition to any fine, any person who is presumed to be liable for a class 4 offense shall have their security badge revoked immediately, subject to a post-deprivation hearing noticed and held in accordance with the hearing procedures listed under subsection (b) of this section.

For purposes of this section, eEach day that a violation continues shall constitute a separate and distinct offense. The violator shall also be liable for reimbursement to the Ceity of any fine or penalty paid by the Ceity as a result of such person's violations. The penalties imposed by this section shall not abridge any other penalty provided by law. The Ceommissioner of Aaviation may also revoke or refuse to reissue the security badge or identification card of the violator.

(b) To enforce Sections 10-36-351 through 10-36-355, or Section 10-36-357, or any violation of the Fire Code at Chicago O'Hare International Airport or Chicago Midway International Airport, the Ceommissioner of Aaviation or the Ceommissioner's designee may conduct hearings in accordance with this section. Before any applicable fine or penalty is imposed, the opportunity for a hearing shall be provided, and, if requested in a timely manner, a hearing shall be held. A person charged with violating the aforementioned sections or Fire Code may decline to contest the allegation. In case of such declination, the hearing officer shall

assess the applicable fine or penalty in accordance with this section. Notice of a hearing shall be ~~personally served, by first class or express mail or by overnight carrier at the violator's residence address or, if the violator is a business entity, at any address identified for its registered agent or at its principal place of business or by personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice,~~ upon the person alleged to have violated the aforementioned sections or the Fire Code at least ten days prior to the hearing date. The person before whom the hearing is held shall not have been involved in the initial decision to seek imposition of a fine or other applicable penalty. At the hearing, the person alleged to have violated the aforementioned sections or the Fire Code may be represented by counsel, present documentary evidence ~~and/or~~ live testimony, or both, and may cross-examine witnesses called by the ~~d~~Department of ~~a~~Aviation. The ~~D~~Department shall present sufficient evidence from witnesses having personal knowledge of the offense to prove, by a preponderance of the evidence, that one or more violations of the aforementioned sections or the Fire Code occurred. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings under this section. The Commissioner of the ~~D~~Department of Aviation or the Commissioner's designee: (1) shall be the official custodian of the records of each hearing held pursuant to this section; and (2) upon request, provide to the Fire Commissioner a copy of the records of any such hearing involving violations of the Fire Code. The record of each hearing shall include: (a) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (b) any document presented at the hearing; and (c) a copy of the written notice of the hearing that was ~~personally~~ served in accordance with this section.

Following the hearing, the Commissioner or his or her designee shall issue in writing a decision stating whether a fine shall be imposed, and the amount of such fine. The decision shall become effective ten days following the issuance of the decision. The fine shall be payable to the City of ~~Chicago~~. Additionally, costs reasonably related to instituting the administrative adjudication proceeding, as determined by the Commissioner or his or her designee conducting the hearing, shall be charged to the person alleged to have violated the aforementioned sections or the Fire Code upon a finding that a fine shall be imposed. The person to whom a sanction is applied may file a complaint in a court of competent jurisdiction seeking to review the decision. Nothing in this section shall affect the ability of the City of ~~Chicago~~ to seek relief in a judicial proceeding.

SECTION 4. Section 10-36-358 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-36-358 Police powers for designated employees; duties of scavengers.

(a) The Commissioner of Aviation may designate employees of the ~~d~~Department of ~~a~~Aviation to have the powers of members of the police force to serve process or notice for violations occurring at any airport of Sections 4-4-310, 4-6-010, 4-6-130(e)(7), 4-6-130(e)(8), 4-6-130(e)(13), 4-6-130(e)(14), 7-12-420, 7-28-060, 7-28-070, 7-28-080, 7-28-120, 7-28-150, 7-28-210, 7-28-217, 7-28-220, 7-28-225, 7-28-227, 7-28-230, 7-28-240, 7-28-260, 7-28-261, 7-28-270, 7-28-280, 7-28-300, 7-28-301, 7-28-302, 7-28-303, 7-28-305, 7-28-310, 7-28-315, 7-28-360, 7-28-380, 7-28-390, 7-28-395, 7-28-400, 7-28-410, 7-28-440, 7-28-450, 7-28-460, 7-28-510, 7-28-660, 7-28-680, 7-28-690, 7-28-710, 7-28-720, 7-28-735, 8-4-135, 10-8-220, 10-28-340, 10-8-460, ~~and 10-8-480, 10-36-353, 10-36-354, 10-36-356, and 10-36-357~~ of the Municipal Code of Chicago as those sections are now or hereafter amended. A copy of the designation, and any amendments thereto, shall be kept by the Commissioner of Aviation and

shall be available to the public upon request. The powers granted by this section are expressly limited to the service of such process or notice for violations of the specified Code sections, and this section shall not be construed as granting additional law enforcement powers. During the term of any concession and lease agreement between the City of Chicago and a private operator with respect to Chicago Midway Airport, the Commissioner of Aaviation may delegate the powers set forth in this paragraph to the Chicago Police Department, another department of the City of Chicago with jurisdiction over such matters or the private operator.

(b) All licensed scavengers operating at Chicago O'Hare International Airport and Chicago Midway Airport must comply with orders of employees of the Department of Aviation and must perform the work required of the scavengers in such a way that no nuisance is created.

(c) In addition to the requirements of Section 4-260-020, it shall be the duty of every licensed scavenger to register with the Commissioner of Aaviation, on a form supplied by the Commissioner, each and every scavenger vehicle operated at Chicago O'Hare International Airport or Chicago Midway Airport by such licensee.

(d) In addition to the requirements of Section 4-6-130(e)(7), every licensed scavenger that provides service at a site located at Chicago O'Hare International Airport or Chicago Midway Airport shall inform the Commissioner of Aaviation of the suspension of service at such site within three days after the suspension of service. The notice shall be in a form specified by the Commissioner of Aaviation and shall identify the licensed scavenger, the location at which the service has been suspended and the name and nature of business conducted at the site.

(e) During the term of any concession and lease agreement between the City of Chicago and a private operator with respect to Chicago Midway Airport, all references in paragraphs (b) through (d) to the "Department of Aviation," the "Commissioner of Aaviation" or the "Commissioner" shall, with respect to Chicago Midway Airport, be replaced with references to the "private operator."

SECTION 5. This ordinance shall take effect ten days after passage and publication.