



# City of Chicago



O2021-3903

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 9/14/2021

**Sponsor(s):** Vasquez, Jr. (40)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapters 7-42, 10-28 and 14A-12 regarding public way permit data and technology fees, food safety penalties and construction violation penalties

**Committee(s) Assignment:** Committee on Budget and Government Operations

## REVENUE 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 of its finances 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:

- I. Construction Violation Penalties
- II. Food Safety Penalties
- III. Public Way Permit Data and Technology Fee
- IV. Severability and Repealer
- V. Effective Dates

### ARTICLE I. CONSTRUCTION VIOLATION PENALTIES

**SECTION 1.** Section 14A-12-1203 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

#### **14A-12-1203 CHAPTER 3.**

#### **14A-12-1203.1 General.**

Fees, fines, and penalties applicable to the provisions of Chapter 3 and to violations of other provisions of the Chicago Construction Codes are as provided in Table 14A-12-1203.1. Each violation and each day that a violation continues is a separate and distinct offense.

Table 14A-12-1203.1 Fees, Fines, and Penalties – Chapter 3

Section	Description	Amount
<u>14A-3-301</u>	When the City is required to take action to enforce the Chicago Construction Codes, the City may recover the costs of enforcement in accordance with Chapter <u>1-20</u> of the Municipal Code.	Actual or estimated costs

<u>14A-3-302</u>	For violation of any section of the Chicago Construction Codes not listed in <u>Table 14A-12-1203.2</u> .	<del>\$500</del> <u>\$1,000</u> min. <del>\$1,000</del> <u>\$2,000</u> max.
<u>14A-3-306.4</u>	First violation	<del>\$500</del> <u>\$1,000</u> min. <del>\$1,000</del> <u>\$2,000</u> max.
	Second violation	<del>\$1,000</del> <u>\$2,000</u> min. \$6,000 max.
	Third or subsequent violation	\$6,000 min. \$10,000 max.

**14A-12-1203.2 Specialized fines.**

Fees, fines, and penalties applicable to the provisions of the Chicago Construction Codes listed in Table 14A-12-1203.2 are as provided in that table. Each violation and each day that a violation continues is a separate and distinct offense.

Table 14A-12-1203.2 Specialized Fines

Section	Description	Amount
<u>14A-4-401.1</u>	First violation	<del>\$500</del> <u>\$1,000</u> min. <del>\$1,000</del> <u>\$2,000</u> max.
	Second violation	<del>\$1,000</del> <u>\$2,000</u> min. <del>\$3,000</del> <u>\$5,000</u> max.
	Third or subsequent violation	<del>\$3,000</del> <u>\$5,000</u> min. <del>\$5,000</del> <u>\$10,000</u> max.
<u>14A-4-406</u>	Violation not resulting in the death or injury of a natural person	<del>\$1,000</del> <u>\$2,500</u> min. \$10,000 max.

	Violation resulting in the death or injury of a natural person	\$10,000 min. (no max.)
<u>14A-6-603</u>	Any violation	<del>\$1,000</del> <u>\$2,500</u> min. <del>\$2,500</del> <u>\$5,000</u> max.
<u>14X-5-504.8</u> <u>14X-5-504.9</u> <u>14X-5-504.10</u>	Violation within an owner-occupied dwelling unit <sup>a</sup>	\$500 min. \$1,000 max.
	Any other violation	\$1,000 min. \$2,000 max.

## ARTICLE II. FOOD SAFETY PENALTIES

**SECTION 1.** Section 7-42-090 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

### **7-42-070 Reinspection fee.**

A ~~\$100.00~~ \$500 reinspection fee shall be assessed against the licensee of any establishment for each inspection conducted by the department of health to address a violation previously identified by the department.

**SECTION 2.** Section 7-42-090 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

### **7-42-090 Violation – Penalty.**

Except as otherwise provided in this Code, any person who violates, or who resists the enforcement of, this chapter, Chapter 7-38 or Chapter 7-40, or the rules of the Department of Health, or rules promulgated by the Illinois Department of Public Health that are incorporated by reference into this Code, or any other provision of the Municipal Code relating to health and sanitation in any food establishment, or Sections 2, 4, or 7 of the most current version of the FDA's Pasteurized Milk Ordinance, shall be fined ~~\$500.00~~ \$2500 for each priority violation; and ~~\$250.00~~ \$1000 for each priority foundation violation. A separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the Department of Health shall not constitute separate offenses if the violation was found to be corrected upon reinspection.

### ARTICLE III. PUBLIC WAY PERMIT DATA AND TECHNOLOGY FEE

**SECTION 1.** Section 10-28-017 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

#### **10-28-017 Public way use permit – Fees.**

(a) (1) No fee shall be charged for a public way use that is on or above the public way for the following: (i) In the case of a residential building, as that term is defined in Section 17-17-02146, constructed in or before 1922, a public way use that is part of the original construction and is a permanent structure of the building; provided that in the case of a mixed used building, any public way use that solely is for the use or benefit of any commercial or business activity in the building shall pay the fees as provided for in subsection (b); or (ii) in the case of a landmark building, any part of the building which is on or over the public way, including a clock or light fixture if the clock or light fixture is part of the landmark designation.

For purposes of this section, a landmark building shall also include any building, other than a non-contributing building in a landmark district.

(2) For any public way use which is below grade level or under the public way or other public place for any building specified in subsection (a)(1) of this section, the fee shall be as set forth in subsection (b).

(b) For all other public way uses not specified in subsection (a), the fees shall be as follows:

Type of Public Use	Annual Fee
(1) balcony, bay window, bollard, permanent smoking management receptacle, door swing, light pole, park bench, trash container, flag pole, banner	\$75.00 each
(2) sign	\$300.00/sign 25 square feet or greater \$100.00/sign less than 25 square feet
(3) awning, marquee, canopy with or without an on-premise sign	\$50.00 for first 25 feet + \$1.00/additional foot
(4) light fixture	\$75.00 for the first fixture plus \$5.00 for each additional fixture
(5) windscreen, clock, fire escape, manhole	\$400.00 each
(6) barber pole	\$10.00

- (7) security camera, bicycle rack, landscaping and its associated structures, portable smoking management receptacle No fee
- (8) all other uses will be charged per square foot based on a formula that reflects the value of the land within the surrounding area, as established by the commissioner in rules and regulations; provided that there will be a \$400.00 minimum charge for all such uses.
- (9) notwithstanding the above, the total fee for a public way use permit for any combination of signs less than 25 square feet, canopies, awnings, or light fixtures at the same location, shall not exceed \$175.00 for all such public way uses.

For purposes of calculating the fee pursuant to this subsection (b), a sign shall not include an awning, canopy or marquee that contains an on-premise sign, as that term is defined in Section 17-17-02109.

(c) A \$10.00 data and technology fee shall be added for all permits to occupy or open the public way, in addition to other fees described in this section. Proceeds of this fee are to be used for the hosting, management, and other expenses of the Department of Transportation's digital permit portal, mapping tools, and other digital permitting infrastructure.

~~(e)~~(d) A \$50.00 application fee shall be charged for any application for a public way use permit for which no public way use fee is charged pursuant to this section.

#### **ARTICLE IV. SEVERABILITY AND REPEALER**

**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.** All ordinances, resolutions, motions, or orders inconsistent with this ordinance are hereby repealed to the extent of such conflict.

#### **ARTICLE V. EFFECTIVE DATES**

**SECTION 1.** All parts of this ordinance shall be effective on January 1, 2022.

## Committee on Budget and Government Operations

### TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF CHICAGO

Esteemed Colleagues, Mayor Lightfoot, and Clerk Valencia,

Each of us feels the heavy responsibility of our municipal budget process, most especially in this year of pandemic, partial recovery, and ongoing struggle and uncertainty. I know how seriously the Administration and City Council take this annual task, and I submit the following ordinance language to the Committee on Budget and Government Operations with utmost respect to our shared goals and responsibility.

I firmly believe that legislation is a collaborative endeavor, and that no one individual has all the right answers or ideas. In that spirit, I have prepared and submitted preliminary versions of the three core pieces of legislation that make up our municipal budget: the Appropriations Ordinance, the Revenue Ordinance, and the Management Ordinance. I do so now, well over 60 days in advance of the required passage date for our budget, to ensure that the City Council is fully prepared and has all legislative and parliamentary tools available to pass the best, most consensus-based, budget possible in November.

My intent is not to present these measures as the sole solutions our City needs, but to establish a cadence and procedure for the City Council to more fully engage in the process, as we have been elected to do by our constituents. I expect and look forward to a robust period of debate and amendment before a budget is passed, and most especially to the pending submission of the Mayor's executive budget recommendations. Please consider this a starting point, and a tool for all members of City Council to use.

The submitted Appropriations Ordinance was drafted using a budget spreadsheet toolkit that I am happy to share with any interested Alders, and which will be significantly improved by the addition of new budget information from the Office of Budget and Management once the executive recommendations are made available. The submitted Revenue and Management Ordinances are preliminary, and I earnestly invite amendment and addition from my fellow Alders. All of us have ideas worth consideration, debate, and -- if supported by a majority of Alders -- passage into law.

We work best when we work together. I hope that by presenting one Alder's vision of our City's budget, I can help encourage my fellow Alders to do likewise, and to put forward serious, robust proposals for this year's budget recommendations. My door is always open, and I am willing and eager to engage with my colleagues on this most serious of our duties.

Yours in Service,



Alder Andre Vasquez, 40th Ward