

SUBSTITUTE
ORDINANCE
AS AMENDED

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

SECTION I. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by deleting Article II, Sections 11-4-580 through 11-4-810, in its entirety, and replacing it with a new Article II, as follows:

ARTICLE II. AIR POLLUTION CONTROL

Part A. General Provisions

11-4-600 Purpose and intent.

Air pollution can pose hazards to the public health or the environment. The purpose of this article is to reduce the potential risk of harm to the public health, safety, and welfare or to the environment from releases of air contaminants from buildings, structures, facilities, devices, processes or other air pollution sources within the city.

11-4-610 Definitions.

For purposes of this Article II, the following definitions shall apply:

"Air contaminant" means any individual substance or matter, including but not limited to smoke, soot, fly ash, dust, cinders, dirt, acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, volatile organic compounds, ozone, waste, particulate, solid, liquid or gaseous matter, or any other material, which is a component of or precursor to air pollution.

"Air pollution" means the presence in the outdoor atmosphere of any air contaminants that (1) endanger the health, safety or welfare of the public; (2) cause or may cause injury, detriment, nuisance or annoyance to the public or damage to business or property; or (3) leave the premises on which they originated so as to interfere with the reasonable and comfortable use and enjoyment of property.

"Automobile or truck sales lot" means any land area used or intended to be used for the display or sale of passenger automobiles or commercial vehicles.

"Combustion equipment" means any equipment or device which generates heat or energy by burning solid, liquid, or gaseous fuel or other material, and which emits or has the potential to emit air contaminants. Combustion equipment includes, but is not limited to, boilers, furnaces, ovens, incinerators, and generators.

"Equipment" shall have the meaning ascribed to the term "process equipment."

"Emission source" means any and all sources of air pollution, whether privately or publicly owned or operated. Emission source includes, but is not limited to, all types of business, commercial and industrial plants, work shops and stores, and power plants and stations, buildings and other structures of all types, including multiple-family residences, apartment houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings, automobiles, trucks, construction equipment, underground or above ground storage tanks, tractors, buses and other motor vehicles, garages, vending and service locations or stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, refuse dumps and piles and all stacks, vents and other chimney outlets from any of the foregoing.

"Emission unit" means any part or activity at a stationary source that emits or has the potential to emit any air pollution.

"Facility" means any commercial, industrial, or residential establishment which contains one or more regulated areas or units of regulated equipment. A facility may consist of more than one building or structure where all lots are contiguous and the parts of the facility are functionally related.

"Fumes" means gases, vapors or particulate matter that are of such character as to cause air pollution.

"Open burning" means the combustion of any matter in such a way that the products of the combustion are emitted into the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Illinois Environmental Protection Act, as amended.

"Particulate matter" means material, other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid.

"Pollution control device" means any equipment or device used to eliminate, prevent, reduce or control the emission of air contaminants to the outdoor atmosphere. Pollution control devices include, but are not limited to, scrubbers, dust collectors, thermal oxidizers, cyclones, mist collectors, catalytic converters, and electrostatic precipitators.

"Process area" means any location within a facility where chemical, industrial, commercial, or manufacturing operations are conducted, and which emits or has the potential to emit air contaminants. Activities conducted in a process area include, but are not limited to, motor vehicle repairs, grinding, sawing, sanding, cutting, buffing, packaging, assembling, machining, blending, coating, plating, or mixing.

"Process equipment" means any equipment or device used in any industrial, commercial, or manufacturing operations for the mechanical, thermal, or chemical treatment or processing of a raw material, product, or byproduct, and which emits or has the potential to emit air contaminants. Process equipment includes, but is not limited to, tanks, kettles, converters, CNC machines, kilns, ovens, non-residential food preparation units vented to the outdoor atmosphere via a hood,

crucibles, stills, dryers, roasters, crushers, grinders, blenders, mixers, reactors, regenerators, separators, filters, columns, classifiers, screeners, quenchers, cookers, washers, scrubbers, mills, condensers, absorbers, balers, compactors, unfired pressure vessels, indirect fired vessels, unit heaters, infra red heaters, makeup air units with heating elements, agitators, and sedimentation and classification devices. Process equipment also includes, but is not limited to, equipment or devices required for water conditioning, treatment of industrial and municipal wastes, metallurgical processing, pulp and paper production, food processing, dry cleaning, petrochemical production and other similar operations.

"Regulated equipment or area" means any combustion equipment, pollution control device, process equipment, or process area.

"Residential heating plant" means a plant generating heat for a single-family residence, or multiple-dwelling units in which such plant serves fewer than four apartments. Under this designation are also hot water heaters, furnaces, stoves and space heaters used in connection with the foregoing establishments, or to heat shacks and other temporary buildings, such as used by the railroad and construction industries; provided, however, that like equipment used in multiple-dwelling units other than herein described, or used in permanent buildings of commercial or industrial establishments are not to be construed to be included under this designation.

"Smoke" means small gas-borne particles other than water that form a visible plume in the air from any emission source.

"Stage II vapor recovery system" means a system for gasoline vapor recovery from the fueling of motor vehicles.

"Stationary emission source" means an emission source which is not self-propelled.

Part B. Permitting

11-4-620 Permitting of facilities, devices, or processes for control of air pollution.

(a) *Air Pollution Control Permit Required.*

- (1) Except as otherwise provided in this article or in rules or regulations promulgated thereunder, no person shall install or operate in any way any regulated equipment or area without a valid air pollution control permit issued by the commissioner.
- (2) No person shall replace or relocate any regulated equipment or area requiring an air pollution control permit without receiving a new air pollution control permit from the commissioner.
- (3) No person shall repair or modify any regulated equipment or area requiring an air pollution control permit, if such repair or modification will increase the quantity or change the nature of air contaminants emitted from such

regulated equipment or area, without receiving a new air pollution control permit from the commissioner.

(b) *Posting.* Air pollution control permits shall be posted in a conspicuous place at or near the regulated equipment or area for which they are issued.

(c) *Exceptions.* An air pollution control permit shall not be required for any of the following equipment or under the following circumstances:

- (1) Residential heating plants;
- (2) Indoor fireplaces that are exempted under subsection (b) or (c) of section 11-4-740, or for which the commissioner has issued a variance pursuant to subsection (d) of section 11-4-740;
- (3) Coin-operated laundry washers and dryers;
- (4) Air conditioners and refrigerators;
- (5) Gas-fired cooking equipment;
- (6) Stage II vapor recovery systems;
- (7) Bench-scale laboratory equipment used exclusively for chemical or physical analysis;
- (8) Repair, replacement, modification or relocation specifically authorized or required under applicable federal or state law; provided, however, that in the case of such a repair or modification, the owner or operator shall notify the commissioner in writing at least seven days prior to commencing the repair or modification;
- (9) Repair, replacement, modification or relocation necessitated by an emergency before permission can be obtained, if the commissioner subsequently determines that such action was taken based on a reasonable belief that an emergency had arisen, and that serious consequences would have resulted if the action was deferred; or
- (10) Other equipment or circumstances exempted by the commissioner in accordance with rules and regulations promulgated pursuant to this article.

(d) *Termination.* Any air pollution control permit issued prior to the installation of any regulated equipment or area shall become void, and all fees paid for such permit shall be forfeited, if installation is not completed within one year from the date of issuance of the air pollution control permit, or any extended period allowed by the commissioner in writing.

(e) *Permit application content.* The owner of any regulated equipment or area requiring an air pollution control permit shall file an application in a form prescribed by the commissioner and provide all requested information.

(f) *Other laws and regulations.* The permitting requirements of this section do not in any way limit the authority of the commissioner to enforce any environmental laws or regulations otherwise applicable to a regulated equipment or area installed or operating in the city.

11-4-630 Standards for issuance of air pollution control permits.

(a) The commissioner shall grant an air pollution control permit only if the commissioner has determined that:

- (1) the owner or operator of the regulated equipment or area for which a permit is sought is not currently in violation of any substantive standards set forth in Part C of this article or any regulations promulgated pursuant to this article; and
- (2) any control equipment or technology to be utilized to control the emission of air contaminants is appropriate for the facility's operations and throughput; provided, however, any control equipment or technology permitted by state or federal law or regulation shall be considered appropriate.

(b) The commissioner shall have authority to impose conditions necessary to achieve the purposes of this article upon any permit issued pursuant to this section.

(c) Any person whose application for an air pollution control permit is denied, or upon whom permit conditions are imposed pursuant to paragraph (b) of this section, may appeal to the commissioner for a hearing on the denial or conditions by submitting a written request for a hearing within 15 days of the date of the letter denying the permit application or granting the application with conditions. The commissioner, or the commissioner's designee, shall commence the hearing within 30 days of receiving a hearing request, unless a later date is scheduled with the mutual consent of the parties. Failure to timely request a hearing in accordance with this paragraph shall constitute a waiver of the opportunity for a hearing.

11-4-640 Shutdown of permitted equipment.

The owner or operator of any regulated equipment or area subject to an air pollution control permit that is dismantled or discontinued shall notify the commissioner in writing of that dismantling or discontinuance within thirty days of its occurrence.

11-4-650 Permit fees.

Every applicant for an air pollution control permit shall pay a permit fee of \$150.00 per piece of a regulated equipment or area permitted, except that if the regulated equipment or area is installed pursuant to a building permit issued under Chapter 13-32 of this Code and the required permit fees are paid in accordance with sections 13-32-302 and 13-32-310 of this Code, no additional fee is required to obtain an air pollution control permit.

11-4-660 Certificate of operation - - required.

(a) *Certificate of operation required.* No person shall cause or allow the operation of any regulated equipment or area requiring an air pollution control permit under Section 11-4-620 of this Code, or a Stage II vapor recovery system, without a valid certificate of operation issued by the commissioner. An application for a certificate of operation shall be made to the department in a form prescribed by the commissioner.

(b) *Scope of certificate of operation.* A single certificate of operation shall be issued for

a facility, which may encompass regulated equipment or areas requiring more than one air pollution control permit.

(c) *Posting.* Certificates of operation shall be posted in a conspicuous place at the facility for which they are issued.

(d) *Duration and renewal.* A certificate of operation shall be valid for one year from the date of issuance unless a shorter period is specified by the commissioner, subject to annual renewal as set forth in Section 11-4-690.

(e) *Exceptions.* A certificate of operation shall not be required from the department for facilities operating only the following equipment:

- (1) Emergency or standby generators;
- (2) Boilers or furnaces; or
- (3) Other equipment exempted by the commissioner in accordance with rules and regulations promulgated pursuant to this article.

11-4-670 Standards for the issuance of annual certificate of operation.

(a) The commissioner shall not issue or renew a certificate of operation unless the applicant has certified that it is in compliance with all of the following standards. The applicant must

- (1) operate in a manner that is not detrimental to public health or safety, or to the environment;
- (2) comply with all substantive standards set forth in Part C of this article or any regulation promulgated pursuant to this article;
- (3) hold an air pollution control permit for all regulated equipment or areas in the facility for which a certificate of operation is sought, and comply with all terms of all air pollution control permits; and
- (4) keep all regulated equipment or areas in good repair and free from operational defects.

(b) The commissioner shall have authority to impose conditions necessary to achieve the purposes of this article upon any certificate of operation issued pursuant to this section.

(c) Any person whose application for a certificate of operation is denied, or upon whom certificate of operation conditions are imposed pursuant to paragraph (b) of this section, may appeal to the commissioner for a hearing on the denial or conditions by submitting a written request for a hearing within 15 days of the date of the letter denying the certificate application or imposing the conditions. The commissioner, or the commissioner's designee, shall commence the hearing within 30 days of receiving a hearing request, unless a later date is scheduled with the mutual consent of the parties. Failure to timely request a hearing in accordance with this paragraph shall constitute a waiver of the opportunity for a hearing.

11-4-680 Certificate of operation fee.

Every applicant for a certificate of operation shall pay a fee based on the potential or actual

emissions of the facility for which the certificate of operation is sought. Facilities are categorized and fees shall be levied as follows:

Category	Emissions	Fee
A1	Facility whose potential and actual emissions are 100 tons or more per year.	\$1,250.00
A2	Facility with potential to emit more than 100 tons per year, but whose actual emissions are less than 100 tons per year.	\$750.00
B	Facility whose potential and actual emissions are more than 10 tons per year but less than 100 tons per year.	\$250.00
C	Facility whose potential and actual emissions are 10 tons or less per year, or Stage II vapor recovery system.	\$50.00

11-4-690 Annual certification of compliance.

Every owner or operator of a facility with a certificate of operation issued in accordance with section 11-4-660 of this Code must certify annually to the commissioner that the facility continues to meet the standards for issuance of a certificate of operation, beginning one year from the date that the certificate was issued. The self-certification must be submitted in an appropriate form as prescribed by the commissioner prior to the expiration of the certificate of operation. Such self-certification shall include a sworn statement by the owner or operator of the subject facility either (1) stating that in the previous year, no repairs or modifications occurred that in any way affected the quantity or nature of air contaminants emitted or potentially emitted from the facility, and no changes were made at or to the subject facility that altered the information provided as part of its air pollution control permit application; or (2) describing any such changes in detail and stating any effect on emissions from the facility. Timely submission of the annual self-certification shall constitute renewal of the certificate of operation for an additional period of one year. Every owner or operator shall include the certificate of operation fee designated in section 11-4-680 along with the annual self-certification.

Part C. Substantive Standards.

11-4-700 Visible emissions limitations.

- (a) No person shall cause or allow the emission of smoke or other particulate matter

from an emission unit on a stationary emission source within the city with an opacity greater than 30 percent into the atmosphere unless otherwise permitted by a permit issued under Title V of the Clean Air Act, a Federally Enforceable State Operating Permit (FESOP), or applicable state law. This subsection (a) shall not apply to stationary emission sources subject to the visible emissions limitations set forth in the Illinois Pollution Control Board Rules and Regulations, codified at Section 212.122 of 35 Illinois Administrative Code, as amended.

(b) Except to the extent permitted by an operating permit issued under Title V of the Clean Air Act, a FESOP, or applicable state law, the emission of smoke or other particulate matter from any such emission unit in the city may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such opaque emissions permitted during any 60 minute period shall occur from only one such emission unit located within a 305 meter (1000 ft) radius from the center point of any other such emission unit owned or operated by such person, and provided further that such opaque emissions permitted from each such emission unit shall be limited to 3 times in any 24 hour period. This subsection (b) shall not apply to stationary emission sources subject to the visible emissions limitations set forth in Illinois Pollution Control Board Rules and Regulations, Codified at Section 212.122 of 35 Illinois Administrative Code, as amended.

(c) It shall constitute a violation of this section for a stationary emission source to emit any matter in excess of limitations set forth in a permit issued under Title V of the Clean Air Act, a FESOP, or applicable state law.

(d) This section shall not apply to emissions (i) during times of startup, malfunction, breakdown, or equipment maintenance; or (ii) to emissions of water or water vapor from an emission unit.

11-4-710 Nitrogen oxide emissions.

No person shall cause or allow nitrogen oxide emissions from any source to exceed the limitations set forth by regulations promulgated by the State of Illinois Pollution Control Board, codified at Part 217 of 35 Illinois Administrative Code, as amended, which regulations are adopted and incorporated by reference and made a part of this section as if fully set forth herein.

11-4-720 Emission of particulate matter.

No person shall cause or allow emissions from any source to exceed the limitations set forth by regulations promulgated by the State of Illinois Pollution Control Board, codified in Part 212 of 35 Illinois Administrative Code, as amended, including regulations set forth to limit fugitive particulate emissions, which regulations are adopted and incorporated by reference and made a part of this section as if fully set forth herein.

11-4-730 Air pollution prohibited.

It shall be unlawful within the City of Chicago for any person to cause, suffer or allow the emission of air pollution; provided, however, emissions in compliance with state or federal law or regulations shall not constitute air pollution.

11-4-740 Open fires prohibited.

It shall be unlawful to burn paper, wood, garbage, leaves, building construction, demolition debris or any other combustible material in open fires or in metal containers.

The commissioner shall implement the rules and regulations set forth in Chapter V, PCB-R70-11, April 14, 1972, Open Burning, as promulgated by the State of Illinois Pollution Control Board and subject to amendment from time to time.

11-4-750 Surfacing of lots and roadways.

No person shall maintain or conduct or cause to be maintained or conducted any parking lot or automobile or truck sales lot or use any real property for a private roadway without taking reasonable precautions to minimize air pollution, including, but not limited to, covering or treating such real property with a surface or substance, and complying with applicable laws.

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

(a) *Material Handling:* No person shall cause or permit the use, handling, loading, unloading, storing, depositing, or scattering of any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize air pollution.

(b) *Material Storage:* No person shall operate or maintain, or cause to be operated or maintained, any building, structure, premises, open area, right-of-way or enterprise which contains, uses or involves any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize air pollution.

(c) *Material Piles:* Owners of construction sites or any general contractor or subcontractor working on construction sites shall employ dust control measures for material piles. These measures shall ensure that no visible dust or dirt from material piles migrates off the construction site or onto the public ways. Work with material piles shall be suspended as necessary during high winds (in excess of 15 miles per hour) unless alternate measures are implemented to effectively control dust.

(d) *Track out onto the public way:* Property owners or any general contractor or subcontractor working on construction sites shall ensure that mud, dirt, and other debris is not tracked out onto the public way. The commissioner or the commissioner of the department of streets and sanitation may require property owners, general contractors and subcontractors to employ a street sweeper, water truck, truck wash, or other device to control the track out of mud, dust, and debris onto the public way.

(e) *Rules and regulations.* The commissioner is authorized to promulgate additional rules and regulations for the proper management of any substance or material that may become airborne or be scattered by the wind.

(f) *Enforcement.* The department of environment and the department of streets and sanitation are authorized to enforce the provisions of this section.

11-4-770 Commissioner--Jurisdiction and authority.

The commissioner shall have jurisdiction and authority over the sources of any matter, material or substance likely to be scattered by the wind or susceptible to becoming airborne or a contributing factor to air pollution and shall have authority to issue an emergency or non-emergency cessation order or an emergency or non-emergency abatement order in accordance with the provisions of section 11-4-025 of this Code to any person who caused the windborne nuisance, and to instigate prosecutions for violations of any provision of this chapter or any other chapter of this Code relating to the eradication or control of matter susceptible to being windborne. For the purpose of minimizing air pollution, the commissioner may prescribe, by rules and regulation, reasonable, specific operating and maintenance practices for buildings, structures, premises, open areas, automobiles and/or truck parking and sales lots, private roadways, rights-of-way, storage piles of materials, yards, vessels, vehicles, construction, sandblasting, alteration, building, demolition or wrecking operations and any other enterprise which has or involves any matter, material or substance susceptible to being windborne and for the handling, transportation, disposition or other operation with respect to any material subject to being windborne.

11-4-780 Refuse burning, municipal waste-burning equipment and municipal waste-burning -- prohibited.

(a) It shall be unlawful to burn refuse, garbage or other debris in any boiler or any unit which has not been specifically designed for that purpose and for which an effective certificate of operation has not been issued.

(b) It shall be unlawful to install or replace a municipal waste incinerator in the City of Chicago and the burning of municipal waste in any incinerator shall be strictly prohibited except when required by state or federal law; provided, however, the prohibition in this section shall not apply to facilities that convert waste to fuel, steam, electricity, energy, or other resources in a properly-permitted facility.

(c) All existing municipal waste incinerators in the city must be removed or rendered inoperable and certified as such by the department of environment. An incinerator will not be certified as "inoperable" until all of the following have occurred:

- (1) The fuel and electricity are permanently disconnected.
- (2) The stack, vent, bridge wall, or exhaust is disconnected, blocked and sealed off or permanently removed.
- (3) The interior of the incinerator shall be cleared and cleaned of all residue and debris.
- (4) The door to the incinerator is welded shut or otherwise permanently closed.
- (5) The owner or operator of the incinerator notifies the department of environment in writing that the above four requirements have been satisfied.

(d) The department of environment shall inspect and certify whether the requirements in section (c) have been met. Upon approval, the department of environment shall provide written certification to the owner or operator that the incinerator has been rendered inoperable or removed.

(e) The commissioner shall have authority to promulgate rules and regulations regarding the closure requirements set forth in paragraph (c).

Part D. Enforcement and Penalties.

11-4-790 Monitoring and inspections of a regulated equipment or area.

(a) *Testing by the commissioner.* If the commissioner has evidence of a violation of any emission limitation contained in or incorporated by reference in this article, the commissioner may conduct, or cause to be conducted, any test on any regulated equipment or area, with a potential to emit air pollution, to determine the extent of actual or potential emissions from such regulated equipment or area. The owner or operator of a regulated equipment or area shall enable the commissioner to take all such tests. This may include, but is not limited to, providing the commissioner with any necessary (i) access to, and into, all parts and elements of the regulated equipment or area, such as ducts, vents or machine parts; and (ii) assistance in gaining access to any part or element of the regulated equipment or area, including, but not limited to, providing ladders, scaffolding or platforms.

Any test to be conducted on the premises where such regulated equipment or area is located shall be made during reasonable hours, after written notice to, and with the cooperation of, the owner or operator of the regulated equipment or area. Test ports are required on all process equipment and incinerators.

(b) *Stack Testing.* If the commissioner has evidence of a violation of any emission limitation contained in or incorporated by reference in this article, the commissioner may request any owner or operator to whom a certificate of operation has been issued to perform a stack test at no cost to the city to demonstrate compliance with all applicable environmental regulations.

The owner or operator of any regulated equipment or area shall provide, upon request by the department and without charge to the city, necessary holes in stacks, ducts and other safe and proper testing facilities, including scaffolding, but excluding instruments and sensing devices as may be necessary for the conduct of a stack test.

(c) *Costs of testing by the commissioner.* If tests conducted at the direction of the commissioner pursuant to this section confirm that emissions from a regulated equipment or area are in violation of this article, the cost of the tests and associated calculations shall be paid by the owner, operator or permittee of the subject regulated equipment or area. The costs of the test shall be a debt owing the city. This debt shall be collectible in the same manner as any other personal liability.

(d) *Testing and reporting required by owner or operator.* If the commissioner has evidence of a violation of any emission limitation contained in or incorporated by reference in this article, the commissioner may require that the owner or operator or other person responsible for a regulated equipment or area in the city to conduct or cause to be conducted any monitoring of, and tests on, any regulated equipment or area as is necessary to determine the extent of actual or potential emissions from such regulated equipment or area. The commissioner may require any owner or operator of a regulated equipment or area to provide all journals, logs, reports, summaries, evaluations and other information as is necessary to determine the extent of actual or potential emissions from such regulated equipment or area.

(e) *Inspections.* The commissioner, or any person acting on behalf of the commissioner, may enter and inspect any structure, establishment, premises or other place for the purpose of enforcing and administering this article or any order, regulation or rule issued pursuant to this

article.

(f) *Denial of inspection access.* If any person in any way denies, obstructs or hampers any entrance or refuses to provide requested information during inspection by the commissioner, the commissioner may withhold or revoke the air pollution control permit and/or certificate of operation for the subject regulated equipment or area owned or operated by the person denying, obstructing or hampering such entrance or inspection.

11-4-800 Enforcement.

(a) *Rules and regulations.* The commissioner may issue rules and regulations to implement the provisions of this article.

(b) *Abatement orders.* Upon finding a violation of any emission limitation, performance standard or permit requirement set forth in this chapter or any air pollution control permit or certificate of operation condition imposed by the commissioner pursuant to this article, the commissioner may issue an emergency or non-emergency cessation order or an emergency or non-emergency abatement order in accordance with the provisions of section 11-4-025 of this Code to any person who causes such violation. Such cessation or abatement order may be in addition to the administrative proceedings, fines and penalties herein provided.

(c) *Dilution or concealment of emissions prohibited.* It shall be unlawful for any person to build, erect, install, use or alter any article, machine, equipment or other contrivance that dilutes, reduces or conceals an emission without reducing the quantity of pollutants released into the atmosphere and which, in its unaltered condition, would constitute a violation of Sections 11-4-700, 11-4-720, or 11-4-730 of this article.

(d) *Duty to instruct.* Failure of any person as owner or agent, operator, member of any operating crew, engineman, fireman, janitor or a person in any other capacity to comply with any provision of this chapter shall be deemed a violation of this article and shall be subject to the fines and penalties as hereinafter provided. It shall be the duty of owners or agents of any regulated equipment or area to instruct or cause to be instructed, the operators, operating crews, enginemen, firemen, hostlers, janitors or any other person operating such regulated equipment or area about the proper operation of such regulated equipment or area.

(e) *Defect Notice.* The commissioner may issue defect notices to persons operating any regulated equipment or area in violation of any requirement of this chapter or any condition imposed pursuant to the provisions of this article. Nothing in this section shall require the commissioner to issue a defect notice prior to commencing other legal or administrative action except as provided in subsection (b) of this section.

(f) *Remedy for injury.* Nothing in this chapter shall be construed to impair any cause of action or legal remedy therefore, of any person for injury or damage arising from the discharge, emission or release into the atmosphere from any source whatsoever of such quantities of smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate solid, liquid or gaseous matter or any other materials in such place, manner or concentration as to constitute air pollution.

11-4-810 Fines.

(a) In addition to any penalty imposed by Section 11-4-800 of this article, and in addition to permanent or temporary injunctive relief that the city may seek in the Circuit Court of Cook County, whenever the commissioner determines that a facility is in violation of any term or condition of an air pollution control permit, certificate of operation, any section of this article, or any regulation promulgated pursuant to this article, the following penalties shall apply:

- (1) Any owner or operator of any regulated equipment or area who fails to comply with the requirement to timely submit to the department a complete self-certification form as required in section 11-4-690 of this Code, shall be fined not less than \$1,000.00 nor more than \$5,000.00;
- (2) Any owner or operator who violates the terms or conditions of any air pollution control permit or certificate of operation provided in this article or rules and regulations promulgated thereunder or imposed by the commissioner pursuant to section 11-4-630 or section 11-4-670 of this Code, shall be fined not less than \$1,000.00 nor more than \$5,000.00;
- (3) Any person who operates any regulated equipment or area without an air pollution control permit required under section 11-4-620 of this Code or a certificate of operation required under section 11-4-660 of this Code, shall be fined not less than \$1,000.00 nor more than \$5,000.00;
- (4) Any owner or operator of any regulated equipment or area who fails to post an air pollution control permit as required in subsection (b) of section 11-4-620 of this Code or a certificate of operation as required in subsection (c) of section 11-4-660 of this Code shall be fined not less than \$200.00 nor more than \$500.00;
- (5) Any person who violates section 11-4-780 of this Code shall be fined not less than \$5,000.00 nor more than \$10,000.00;
- (6) Any person who causes or allows air pollution in violation of section 11-4-730 of this Code or, any person who violates the substantive emission standards provided in Part C of this article or any regulation promulgated thereunder, shall be fined not less than \$1,000.00 nor more than \$5,000.00; and
- (7) Any person who violates any of the provisions of this article or any regulation promulgated thereunder, unless a different fine is imposed pursuant to this section, shall be fined not less than \$1,000.00 nor more than \$5,000.00.

(b) Each day of any violation of the provisions of this article shall constitute a separate and distinct offense, and for each such violation the fines imposed in subsection (a) above shall be assessed per day.

SECTION II. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

11-4-120 Definitions.

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

(Omitted text is unaffected by this ordinance)

~~“Air contaminant” means any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance or annoyance to the public, or to endanger the health, safety or welfare of the public or as to cause or have a tendency to cause injury or damage to business or property.~~

~~“Air furnace” means a horizontal furnace, externally fired with a natural draft stack, which is used to melt or treat ferrous materials for production of castings.~~

~~“Air jets” means any apparatus operated by steam or compressed air or a mechanically driven blower for the purpose of causing high velocity air to be introduced into a furnace and to cause a more complete mixture of oxygen with the gases of combustion above the fuel bed.~~

~~“Air quality standard” means ambient air quality goal established for the purpose of protecting the public health and welfare.~~

~~“Animal and marine matter” means any product or derivative of animal life.~~

(Omitted text is unaffected by this ordinance)

~~Atmosphere. See definition of “open air”.~~

~~“Atmospheric pollution” means the discharging from stacks, chimneys, exhausts, vents, ducts, openings, buildings, structures, premises, open fires, portable boilers, vehicles, processes or any other source of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance or annoyance to the public or to endanger the health, comfort, repose, safety or welfare of the public or in such a manner as to cause or have a natural tendency to cause injury or damages to business or property.~~

~~“Atmospheric pollution source” means any and all sources of emission of atmospheric pollution, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, and heating power plants and stations, building and other structures of all types,~~

~~including single and multiple-family residences, apartment houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages, vending and service locations or stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types both indoor and outdoor, refuse dumps and piles and all stack and other chimney outlets from any of the foregoing.~~

(Omitted text is unaffected by this ordinance)

~~"Automobile and/or truck sales lot" means any land area used or intended to be used for the display or sale of passenger automobiles or commercial vehicles.~~

(Omitted text is unaffected by this ordinance)

~~"Control apparatus" means any device which prevents, eliminates or controls the emission of any air contaminant.~~

(Omitted text is unaffected by this ordinance)

~~"Domestic heating plant" means a plant generating heat for a single-family residence, or for two residences either in duplex or double-house form or for multiple-dwelling units in which such plant serves fewer than four apartments. Under this designation are also hot water heaters, stoves and space heaters used in connection with the foregoing establishments, or to heat shacks and other temporary buildings, such as used by the railroad and construction industries; provided, however, that like equipment used in multiple-dwelling units other than herein described, or used in permanent buildings of commercial or industrial establishments are not to be construed to be included under this designation.~~

(Omitted text is unaffected by this ordinance)

~~"Equipment." See definition of "Process or process equipment."~~

(Omitted text is unaffected by this ordinance)

~~"Fumes" means gases, vapors or particulate matter that are of such character as to cause atmospheric pollution.~~

(Omitted text is unaffected by this ordinance)

~~"Noxious acids" means anhydrous or hydrous acid forms in concentration high enough to be toxic, to cause atmospheric pollution or to constitute a nuisance as defined in this chapter.~~

(Omitted text is unaffected by this ordinance)

~~"Particulate matter" means material, other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid.~~

(Omitted text is unaffected by this ordinance)

"Smoke" means ~~small gas-borne particles other than water that form a visible plume in the air from a source of atmospheric pollution.~~

(Omitted text is unaffected by this ordinance)

11-4-360 Enforcement--Interference with inspection.

The commissioner, or anyone authorized to act for him, in the performance of his duties and for the purpose of enforcing and administering this chapter or any order, regulation or rule promulgated pursuant thereto, or for the purpose of obtaining facts with respect to any complaint or noncompliance, is hereby authorized and empowered to enter into any building, structure, establishment, premises or enclosure or other place at all reasonable hours for the purpose of inspecting any ~~fuel-burning, combustion or process equipment or devices situated herein; or to stop, detain and inspect any portable boiler or vehicle~~ any regulated equipment, area, site, or facility; and shall collect and preserve any and all evidence pertaining to any alleged violation of any provision of this chapter. If any person in any way denies, obstructs or hampers such entrance or inspection or refuses to provide requested information during inspection, the commissioner is hereby authorized to refuse the issuance of any certificate or permit for any ~~fuel-burning, combustion or process~~ regulated equipment, or device area, site, or facility with respect to which entrance or inspection has been denied in the event one has not been issued; or to revoke any outstanding certificate or permit issued for such regulated equipment, or device area, site, or facility.

11-4-500 Prosecution for violations.

Prosecutions under this chapter shall be instituted by the commissioner and shall be prosecuted in the name of the city.

~~The issuance and delivery by the commissioner of any permit, certificate for installation, erection, construction, reconstruction, repair, alteration or addition thereto of any fuel-burning, combustion or process equipment or device, or any appurtenance thereto, or certificate for use or operation of any such property, or permit to maintain an open fire, or permit to operate any portable boiler or vehicle shall not be held to exempt any person to whom any such permit or certificate has been issued or delivered, or who is in possession of any such permit or certificate, from prosecution on account of the emission of smoke, particulate or other matter in violation of this chapter, caused or permitted by any such person or persons, or any other violation of the provisions of this chapter by such person or persons.~~

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

(Omitted text is unaffected by this ordinance)

- (b) *Definitions.* For purposes of this section, the following terms shall have the following

meanings:

(Omitted text is unaffected by this ordinance)

Asbestos containing material (ACM) means any material or product that contains more than one percent or more asbestos as determined by weight or volume, or by using the methods specified in Title 40, Part 763, Subpart E, Appendix E, Section 1 of the Code of Federal Regulations (C.F.R.), or by weight, volume test method EPA-600/M4-82-020, or other analytical method acceptable to the commissioner. It also means any material contaminated with particles, fibers, or dust from asbestos containing material.

Building means a structure, or part thereof, enclosing any occupancy including residential, institutional, assembly, business, mercantile, industrial, storage, hazardous and miscellaneous uses. When separated by fire walls, each unit so separated shall be deemed a separate building.

Chemical washing means the application or use of any ~~hazardous substance, petroleum product or corrosive material~~ chemical, acid or base, upon any building, facility, other structure or architectural surface for the purpose of cleaning, dissolving, lifting, ~~peeling~~ peeling or removing any paint, corrosion, coloration or weathering.

(Omitted text is unaffected by this ordinance)

Facility means the exterior surface or interior space of any institutional, commercial, public, industrial or residential structure, installation or building (including any structure, installation or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having ~~four or fewer than two~~ two or more dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure or installation that contains a loft used as a dwelling is not considered a residential structure, installation or building.

Friable ACM means any material ~~containing one percent or more asbestos using the methods specified in Title 40, Part 763, Subpart E, Appendix E, Section 1, of the Code of Federal Regulations (C.F.R.), or by weight, volume, or other analytical method acceptable to the commissioner~~ ACM that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure.

Grind or grinding means to reduce matter, including but not limited to brick, mortar or concrete, to powder or small fragments by mechanical means including rubbing, abrading, chipping, drilling, crushing or pulverizing. The term "grind" or "grinding" includes, but is not limited to, the removal of joints in a preparation for tuckpointing.

(Omitted text is unaffected by this ordinance)

Manual deconstruction means a systematic disassembly of the components of a building, facility, or other structure in order to achieve economic and environmental benefits such as the reuse of such components for a new construction and the prevention of the emission or dispersion of dust.

~~Nonfriable ACM means any material containing one percent or more asbestos using the method specified in Title 40, Part 763, Subpart E, Appendix E, Section 1, of the Code of Federal Regulations (C.F.R.), or by weight, volume or other analytical method acceptable to the commissioner ACM that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.~~

~~Open and unsecured building, facility, or other structure means any building, facility or other structure that is accessible by the general public through any missing or unsecured exterior door or window (outside of normal operating hours for businesses) or through any missing, damaged or unsecured portion of any exterior wall or roof.~~

~~Owner or operator means (1) any person who owns, leases, operates, controls, manages or supervises any building, facility or other structure (or any portion thereof); or (2) any person who is performing or has performed any activity regulated under this article at any facility, building or other structure, or both. The term "owner or operator" includes, but is not limited to, any person having legal title to any building, facility or other structure (or any portion thereof), with or without accompanying actual possession thereof.~~

(Omitted text is unaffected by this ordinance)

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

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

(1) to inspect, sample, or test buildings, facilities, architectural surfaces, or other structures for the purpose of determining compliance with the provisions of this article;

~~(2) to undertake asbestos inspection of (i) any building, facility or other structure which is being demolished; (ii) any building, facility or other structure where interior renovation is being conducted; and (iii) any building, facility or other structure which was built before 1980.~~

~~(2)(3) to abate public nuisances created by the demolition, renovation, alteration, repair, cleaning or maintenance of buildings, facilities, architectural surfaces, or other structures in violation of or noncompliance with the provisions of this article; and~~

~~(3)(4) to take any other actions, including but not limited to, instituting any legal proceedings or administrative actions required to assure compliance with the provisions of this article. In addition, the commissioner is authorized to take any abatement actions deemed necessary in accordance with the provisions of Section 11-4-025 of this Code.~~

(Omitted text is unaffected by this ordinance)

11-4-2170 Demolitions and renovations: permit and notification requirements; performance standards for asbestos abatement; control and disposal of dust and debris.

(a) *Demolition of buildings, facilities or other structures: notice of intent to demolish required.* No demolition of a building, facility or other structure shall be initiated within the city of

Chicago unless a written notice of intent to demolish, accompanied by the environmental review fee required by this section, has been filed with, and approved by, the department of environment at least ten working days prior to the commencement of demolition. The ten working day period shall not apply if the building, facility or other structure to be demolished has been found to be structurally unsound and in danger of imminent collapse by the building commissioner or state authority or court of competent jurisdiction; provided, however, any person or contractor demolishing such building, facility or other structure shall file a written notice with the department of environment regarding such demolition as soon as practicable, and must have a properly licensed asbestos abatement contractor on site during the demolition.

- (1) Notice contents: The notice of intent to demolish shall be in such form as prescribed by the commissioner. The owner(s) of any building, facility or other structure to be demolished shall sign the notice of intent to demolish together with any contractor or other person retained or otherwise authorized by the owner(s) to perform the demolition. At a minimum, the notice of intent to demolish shall include the following information:

(Omitted text is unaffected by this ordinance)

- (iv) A sworn statement signed by each applicant that discloses whether the demolition will occur at a facility building containing asbestos. If the demolition will occur at a facility building containing asbestos, the sworn statement shall include a representation that the applicants will comply with the performance standards and disposal requirements set forth in subsections (d) and (e) of this section;

(Omitted text is unaffected by this ordinance)

- (2) ~~Permits available for review~~ Posting permits: ~~Copies of the~~ The demolition permit required pursuant to ~~Subpart 13-9-010~~ Section 13-32-010 of the ~~building~~ this code to demolish must be posted in a conspicuous place at the demolition site and ~~must be made available to city inspectors upon request.~~

(b) *Demolition and renovation safeguards.* The owner(s) of any building, facility, or other structure to be demolished or renovated and any contractor or other person retained or otherwise authorized by the owner(s) to perform the demolition or renovation activity shall be responsible for assuring that the following safeguards are utilized to minimize the emission of airborne dust:

- (1) Adequate wetting to prevent the emission or dispersion of dust shall be employed before and during any demolition or renovation activity; provided, however, if outside temperature causes water to freeze and wetting is not possible, the demolition or renovation activity shall be performed in such a way that does not cause the emission or dispersion of dust, including but not limited to, manual deconstruction.
 - (2) All debris from any demolition or renovation activity shall be removed from the building, facility, or other structure through dust-tight chutes or by lowering it in buckets or containers and no debris shall be dropped or thrown from any floor. All debris shall be adequately wetted to prevent dust

emission or dispersion at the point it exits a dust-chute or reaches the ground.

- (3) All debris from any demolition or renovation activity shall be adequately wetted before loading into trucks, vehicles, or other containers. During transport, all such debris shall be enclosed or covered to prevent dust emissions.
- (4) All dust and debris from any demolition or renovation activity shall be removed daily from adjacent streets, sidewalks and alleys unless otherwise directed or authorized pursuant to a permit duly issued by the city.
- (5) Dust created from any use of power hand tools, including, but not limited to, the cutting of concrete or other building materials, shall be minimized through the use of vacuum attachments, water or containerization of the work area.

(c) *Removal of storage tanks or containers required at time of demolition.* No notice of intent to demolish any building, facility or other structure shall be approved by the department unless the person submitting the notice of intent either: (1) provides satisfactory proof that there are no storage tanks or containers (either underground or above ground) on or below the property at which the building, facility or other structure is located; (2) provides documentation that any storage tanks or containers present have been abandoned in place in accordance with the requirements of 15-28-1220; or (3) demonstrates that any storage tanks or containers present conform with all applicable city, state and federal regulations governing the continued use of such tanks or containers. If there are storage tanks or containers present that have not been properly abandoned in place or are not in compliance with applicable city, state and federal regulations governing the continued use of such tanks or containers, then approval of the notice of intent to demolish by the department shall include a requirement for the owner to remove all such tanks or containers at the time of demolition of the building, facility or other structure.

(d) *Disposal of debris from demolitions and renovations.* Debris from demolitions or renovations, excluding demolition fill material as defined in 11-4-2150 which is used exclusively to fill below grade into the existing foundation or excavation area of a building left open by the demolition of said building, constitutes waste as that term is defined in Section 11-4-120 and shall only be properly disposed of or recycled at a facility duly licensed to accept such material.

(e) Performance standards for facility demolitions or renovations requiring asbestos abatement.

- (1) *Licensed asbestos professionals:* No asbestos abatement shall be performed in any facility within the City of Chicago unless all persons performing such abatement work are licensed and approved in accordance with the applicable rules and regulations for licensure established by the State of Illinois in Title 77, Part 855, Subpart B of the Illinois Administrative Code, as they may be amended from time to time, which regulations are adopted and incorporated by reference and made a part of this section as if fully set forth herein.
- (2) *Performance standards for asbestos abatement:* Any asbestos abatement performed in connection with any facility within the City of Chicago shall be performed in accordance with the rules and regulations for asbestos

abatement established by the State of Illinois in Title 77, Part 855, Subparts C and D of the Illinois Administrative Code, as they may be amended from time to time, which regulations are adopted and incorporated by reference and made a part of this section as if fully set forth herein.

- (3) *Notification required:* Any person performing asbestos abatement at any facility within the City of Chicago shall provide the department with notice of the abatement by submitting the following forms, accompanied by the environmental review fee required by this section: (i) a fully completed copy of all notification forms required pursuant to Title 40, Part 61 of the Code of Federal Regulations, entitled "National Emission Standards for Hazardous Air Pollutants (NESHAP)," and Section 855.220 of Title 77, Part 855 of the Illinois Administrative Code; and (ii) in the case of a demolition of a facility with asbestos containing material, a fully completed and signed notice of intent to demolish form, in accordance with subsection (a) of this section.

- (4) *Timing of notifications:*

- (i) A copy of the notification form required pursuant to Section 855.220 of Title 77, Part 855 of the Illinois Administrative Code shall be filed with the Department at the same time the notification is required to be provided to the state.
- (ii) The Notice of intent to demolish shall be made to the department at least ten working days prior to the demolition. The requirement to file the notice of intent to demolish ten working days prior to the demolition shall not apply in the event of a demolition involving a building, facility or other structure that has been found to be structurally unsound and in danger of imminent collapse by a proper city or state authority or court of competent jurisdiction.

- (f) *Rescheduling of demolition starting dates.*

- (1) In the event that any owner or operator intends to begin a demolition at a date later than the start date contained in any notification required to be filed under this section, then that person must: (i) notify the department ~~of the new start date~~ that the demolition will not begin on the original start date by telephone or fax as soon as possible before the original start date; and (ii) provide written notification to the department of the new start date ~~no later than the original~~ at least ten working days prior to the new start date.
- (2) In the event that any owner or operator intends to begin a demolition at a date earlier than the start date contained in any notification required to be filed under this section, then that person must provide written notification to the department of the new start date at least ten working days before the demolition work begins.
- (3) In no event shall a demolition operation begin on a date other than the date contained in the written notice of the new start date unless authorized pursuant to the emergency provisions set forth in Subsection (a) of this section.

- (g) Permit Environmental review fees. The ~~asbestos environmental~~ review fee stated in subsections (a) and (e)(3) of this section shall be based on the type of structure as follows:

Residential structures with four or fewer units . . . \$300.00

Residential structures with more than four units . . . 450.00
All other (Nonresidential) structures . . . 600.00

A mixed-use structure shall be assessed at the highest applicable rate. Work performed by or for the city shall not be subject to the fee set forth in this subsection.

11-4-2180 Owner responsibilities for maintenance of asbestos containing material in facilities, buildings, or other structures.

(a) *Maintenance of ACM in facilities.* The owner or operator of any facility shall maintain the facility's ACM at all times so that there is no damaged friable asbestos or ACM in poor condition at, on or within the facility.

(b) *Hazardous ACM in open and unsecured or abandoned buildings, facilities or other structure; public nuisance.* The presence of hazardous ACM in any open and unsecured, or abandoned building, facility or other structure within the city is hereby declared to be a public nuisance, for which the owner or operator of the building, facility or other structure shall be held liable.

11-4-2190 Sandblasting, grinding and chemical washing of buildings, facilities or other structures; permit and notification requirements; performance standards for lead paint abatement; and disposal of debris.

The owner(s) of any building, facility or other structure to be sandblasted, ground, or chemically washed and any contractor or other person retained or otherwise authorized by the owner(s) to perform any sandblasting, grinding or chemical washing of any building, facility or other structure shall be responsible for complying with the following requirements:

(a) *Permits required for sandblasting, grinding or chemical washing of buildings, facilities or other structures.* No person shall sandblast, grind or chemically wash any building, facility, structure, statue or other architectural surface without having first been issued a permit by the department; provided, however, no permit shall be required for graffiti removal activities conducted by the department of streets and sanitation. A permit shall be required for each individual building, facility, structure, statue or other architectural surface.

(Omitted text is unaffected by this ordinance)

(h) *Permit fees.* The fee for a permit to sandblast, grind or chemically wash any building, structure, statue or other architectural surface shall be \$200.00 per building, structure, statue or other architectural surface. The permit fee shall be waived for any unit of federal, state or local government.

11-4-2200 Violations--Public nuisance--Civil penalties--Joint and several liability.

(a) *Civil penalties.* Violation of any of the provisions of this article is hereby declared to be a public nuisance. Any person found to have violated any of the provisions of this article shall be assessed a civil penalty in accordance with the following schedule.

Violation Type	Residential Structures With Four or Fewer Units	Residential Structures With More Than Four Units	All Other (Non-Residential) Facilities, Structures or Architectural Surfaces
----------------	--	---	--

Failure to obtain approved demolition permit <u>file a notice of intent and obtain required DOE approval</u> pursuant to Section 11-4-2170(a) or failure to obtain approved permit pursuant to Section 11-4-2190	<i>Not less than \$2,000.00 and not more than \$5,000.00</i>	<i>Not less than \$5,000.00 and not more than \$10,000.00</i>	<i>Not less than \$5,000.00 and not more than \$10,000.00</i>
Failure to comply with provisions of Subsection 11-4-2170(e) or Subsection 11-4-2190(d)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
Failure to comply with provisions of Subsection 11-4-2170(b), (c) or (d) or Subsection 11-4-2190(b), (c), (f) or (g) or (f)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00

Failure to comply with provision of Subsections <u>11-4-2170(f)(1)(ii), 11-4-2170(f)(2), 11-4-2170(f)(3) and (g)</u> or Subsection 11-4-2190(e)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
Failure to comply with provisions of Subsection 11-4-2180(a)	Not applicable <u>less than \$500.00 and not more than \$1,000.00</u>	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$2,000.00 and not more than \$5,000.00
Failure to comply with provisions of Subsection 11-4-2180(b)	Not less than \$2,000.00 and not more than \$5,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
Failure to maintain documentation on site required under Subsection 11-4-2170(a)(2) or Subsection 11-4-2190(a)(2), <u>or failure to comply with subsection 11-4-2170(f)(1)(i)</u>	Not less than \$250.00 and not more than \$500.00	Not less than \$500.00 and not more than \$1,000.00	Not less than \$500.00 and not more than \$1,000.00
Providing any information required by Sections 11-4-2150 through 11-4-2190 which the providing person either knew or reasonably should have known was false or misleading at the time provided	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00	Not less than \$5,000.00 and not more than \$10,000.00
<u>Failure to comply with Section 11-4-2195</u>	<u>Not less than \$5,000.00 and not more than \$10,000.00</u>	<u>Not less than \$5,000.00 and not more than \$10,000.00</u>	<u>Not less than \$5,000.00 and not more than \$10,000.00</u>

(Omitted text is unaffected by this ordinance)

SECTION III. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by adding new Sections 11-4-040, 11-4-1527, and 11-4-2195, as follows:

11-4-040 Permit issuance or renewal - Requirements.

(a) In addition to the standards for permit issuance set forth elsewhere in this Chapter, the commissioner may deny an application for an initial or renewal permit or written authorization for the following reasons:

- (1) where such application does not meet all applicable requirements set forth in the Code; and
- (2) where the applicant has not paid all fees required by this Code and any outstanding debts owed to the City as debts are defined in subsection (a) of Section 4-4-150 of this Code.

(b) Any person whose application for issuance or renewal of a permit is denied may appeal to the commissioner for a hearing on the denial by submitting a written request for a hearing within 15 days of the date of the letter denying the permit or the renewal application. The commissioner, or the commissioner's designee, shall commence the hearing within 30 days of receiving a hearing request, unless a later date is scheduled with the mutual consent of the parties. Failure to timely request a hearing in accordance with this paragraph shall constitute a waiver of the opportunity for a hearing.

11-4-1527 Permit fees.

The annual permit fees to operate a sanitary landfill, resource recovery facility, solid waste incinerator, liquid waste handling facility, transfer station, or waste handling facility shall be as follows:

Sanitary landfill:

<u>25-acre tract or less</u>	<u>\$10,000.00</u>
<u>More than 25 acres but less than 50 acres.....</u>	<u>\$20,000.00</u>
<u>50 acres or more but less than 75 acres.....</u>	<u>\$30,000.00</u>
<u>75 acres or over.....</u>	<u>\$40,000.00</u>

Resource recovery facility or solid waste incinerator:

<u>Design capacity of 250 tons per day or less.....</u>	<u>\$5,000.00</u>
<u>Design capacity of more than 250 tons per day but less than 750 tons per day.....</u>	<u>\$10,000.00</u>
<u>Design capacity of more than 750 tons per day but less than 1,250 tons per day..</u>	<u>\$20,000.00</u>
<u>Design capacity of more than 1,250 tons per day.....</u>	<u>\$25,000.00</u>

The City of Chicago shall be exempt from payment of such fees.

Liquid waste handling facility fees:

New or existing facility.....\$15,000.00

Transfer station or waste handling facility fees:

New or existing facility.....\$10,000.00

11-4-2195 Spraying of asbestos prohibited – Exceptions.

It shall be unlawful within the City of Chicago for any person, firm or corporation to cause or to permit the spraying of any substance containing asbestos, as defined in this article, in or upon any building, structure, column, frame, floor, ceiling or other portion, part or member thereof during its construction, reconstruction, alteration or repair; provided, however, that such enclosed factories, buildings or structures in which the fabrication or manufacture of products containing asbestos is carried on shall not be subject to this provision.

SECTION IV. Title 9 of the Municipal Code of Chicago is hereby amended by adding a new section 9-80-095, by deleting the language struck through, and by inserting the language underscored, as follows:

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

(a) It shall be unlawful for any person who owns or operates any motor vehicle which is powered by diesel fuel to stand such vehicle with the engine running for more than a total of three minutes within any sixty-minute period.

(b) The prohibition of subsection (a) of this section shall not apply to:

- (1) authorized emergency vehicles while in the course of providing services for which the vehicle is designed and vehicles that are operating equipment or devices used to prevent a safety or health emergency;
- (2) vehicles used as airport support equipment, but only when the standing of such vehicles with the engine running is necessary for airport operations related to aircraft movements, airport safety, or airport security;
- (3) vehicles or equipment standing with the engine running to operate auxiliary equipment that is required to accomplish the intended use of the vehicle, including, but not limited to, loading, unloading, mixing, controlling of cargo temperature, or operating necessary computer systems on a bus owned by a public transit authority, while in use and not for the convenience of the vehicle's operator;
- (4) vehicles standing with the engine running for the purpose of service, repair or government inspection, when such standing is required for such service, repair or government inspection;
- (5) vehicles standing in traffic;
- (6) vehicles standing with the engine running to supply air conditioning when the outdoor temperature is greater than 80 degrees Fahrenheit or to supply heat when the outdoor temperature is less than 32 degrees Fahrenheit for the operator's or passengers' safety;
- (7) the operation of an auxiliary power unit or generator set as an alternative to

- (8) vehicles standing with the engine running due to mechanical requirements or difficulties over which the operator of the vehicle has no control; and
- (9) vehicles standing due to the automatic regeneration of diesel particulate filters or pre-shutdown cooling required by the engine manufacture.

(c) The operator or the registered owner of record of any vehicle standing in violation of this section shall be fined as set forth in Section 9-100-020 of this Code.

(d) Any police officer, traffic control aide, other designated member of the police department, parking enforcement aide or other person designated by the city traffic compliance administrator, or the commissioner of the environment shall have authority to enforce the provisions of this section.

9-76-140 Exhaust system.

(a) (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(2) No person shall use a muffler cutout, by-pass, straight pipe or similar device upon a motor vehicle on a public way.

(3) No person shall operate any motor vehicle on any public way with any exhaust system or exhaust system component that is not labeled in accordance with Section 205.169 of Title 40 of the Code of Federal Regulations, indicating that the exhaust system or exhaust system component meets the applicable federal noise emission requirements.

For purposes of this subsection (a), the term “straight pipe” shall mean a muffler without baffles or any other noise inhibiting device.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. No person shall operate at any place in the city any vehicle which generates excessive visible emissions of smoke from the exhaust pipe; provided, however, this prohibition shall not include emissions of water or water vapor from the exhaust pipe which is created during cold weather start-up.

9-100-020 Violation – Penalty.

(a) The violation of any provision of the traffic code prohibiting or restricting vehicular standing or parking, or establishing a compliance or automated red light violation, shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed in the traffic code, shall be imposed.

(b) The fines listed below shall be imposed for a violation of the following sections of the traffic code:

(Omitted text is unaffected by this ordinance)

9-80-080(a)	100.00
9-80-080(b) and (c)	25.00
<u>9-80-095</u>	<u>250.00</u>
9-80-110(a)	75.00

(Omitted text is unaffected by this ordinance)

(c) The fines listed below shall be imposed for violation of the following sections of the traffic code:

(Omitted text is unaffected by this ordinance)

9-76-140(a)..... 100.00
~~9-76-140(b)..... 25.00~~

(Omitted text is unaffected by this ordinance)

SECTION V. Title 3 of the Municipal Code of Chicago is hereby amended by adding a new Chapter 3-55, as follows:

CHAPTER 3-55. CHICAGO FEE ON NEW TIRES ORDINANCE.

3-55-010 Title.

This chapter shall be known and may be cited as the "Chicago Fee on New Tires Ordinance," and the fee imposed by this chapter shall be known as the "Fee on New Tires."

3-55-020 Definitions.

When any of the following words or terms are used in this chapter, whether or not capitalized, and whether used in a conjunctive or connective form, they shall have the meaning ascribed to them below:

- (1) "Department" shall mean the department of revenue of the city or its authorized designee.
- (2) "Director" shall mean the director of revenue or his or her authorized designee.
- (3) "Reprocessed tire" means a used tire that has been recapped, retreaded, or regrooved and that has not been placed on a vehicle wheel rim.
- (4) "Sale at retail" shall mean sale at retail as that term is defined in the Illinois Retailers' Occupation Tax Act, as amended, 35 ILCS 120/1 and following.

3-55-030 Fee on new tires imposed.

(a) On and after July 1, 2005, any person selling new tires at retail or offering new tires for retail sale in the city shall collect from retail customers a fee of \$1.00 per new tire sold at retail and delivered in the city to be paid to the department, less a collection allowance of four cents per tire to be retained by the retail seller.

(b) The requirements of this subsection shall apply exclusively to the sale of tires to be used for vehicles defined in Section 1-217 of the Illinois Vehicle Code, aircraft tires, special mobile equipment, and implements of husbandry.

- (c) The requirements of subsection (b) shall not apply to:
 - (1) mail order sales;
 - (2) tires sold as a part of the retail sale of a motor vehicle; or
 - (3) the sale of used or reprocessed tires.

(d) The proceeds of the fee imposed by this chapter shall be paid into the treasury of the city, and shall be credited to and deposited in an account to be kept in the corporate fund of the city, for the exclusive purpose of paying costs incurred in connection with the city's regulation of used tires and their effects.

3-55-040 Collection of fees on new tires.

(a) Retailers shall collect the fee from the purchaser by adding the fee to the selling price of the tire. The fee imposed by this chapter shall be stated as a distinct item separate and apart from the selling price of the tire. The fee imposed by this chapter, and any such fees collected by a retailer, shall constitute a debt owed by the retailer to the city.

(b) Each retailer of tires maintaining a place of business in the city shall pay or remit the fee imposed by this chapter to the department in accordance with either Section 3-4-187 (for payment of actual fee liabilities) or Section 3-4-188 (for payment of estimated amounts) of this Code.

(c) A fee return shall be required whereon annual fee activity is reported to the department. Such returns shall be filed with the department on an annual basis on or before August 15 of each year in accordance with Sections 3-4-186 and 3-4-189 of this Code. Each return shall state:

- (1) the name of the retailer;
- (2) the address of the retailer's principal place of business;
- (3) total number of non-exempt new tires sold at retail and delivered in the city for the preceding calendar quarter;
- (4) the amount of fees due; and
- (5) such other information as the department may reasonably require.

(d) Every person required to pay or remit the fee to the department shall keep accurate and complete books and records of its business or activity, including original source documents, such as purchase orders, invoices and receipts, and other documents listing, summarizing or pertaining to the transactions that gave rise, or may have given rise, to the fee liability or exemption that may be claimed. All such books, records and accounts shall be available for inspection by the department at all reasonable times during business hours of the day.

3-55-050 Applicability of other revenue provisions.

Whenever not inconsistent with the provisions of this chapter, the provisions of the Uniform Revenue Procedures Ordinance, Chapter 3-4 of this Code, as amended, shall apply to and supplement this chapter, notwithstanding that the fee imposed by this chapter is not a revenue measure.

3-55-060 Enforcement.

(a) The department may adopt and enforce such reasonable rules and regulations relating to the administration and enforcement of the fee imposed by this chapter as may be deemed expedient.

(b) The director is hereby authorized to enter into an intergovernmental agreement with the Illinois Department of Revenue, for the Illinois Department of Revenue to collect the fee imposed by this chapter, and to administer and enforce the provisions of this chapter, and pursuant to such terms and conditions as are customary in such agreements.

(c) Any person who violates any provision of this chapter shall be fined not less than \$500.00 and not more than \$1,000.00 for each offense.

SECTION VI. Severability.

If any provision of this ordinance, the application of any provision of this ordinance or the imposition of this fee on any particular transaction, person or item of tangible personal property is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this ordinance or their application to other transactions, persons or items of tangible personal property. It is the express intention of the city council that each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this ordinance. It is also the express intention of the city council that if any exemption contained in this ordinance is held unconstitutional or otherwise invalid, then this ordinance shall be applied as if such exemption had not been enacted.

SECTION VII. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by repealing Sections 11-4-130, 11-4-142, 11-4-160, 11-4-170, 11-4-210, 11-4-240, 11-4-260 through 11-4-300, 11-4-340, 11-4-350, 11-4-390 through 11-4-430, 11-4-450, 11-4-460, 11-4-480, 11-4-530, 11-4-640, 11-4-1000, and 11-4-1010, in their entirety.

SECTION VIII. This ordinance shall take effect upon passage and approval.