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COPY



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL
of the
CITY of CHICAGO, ILLINOIS**

Regular Meeting—Friday, December 7, 1984

at 10:00 A.M.

(Council Chamber—City Hall—Chicago, Illinois)

OFFICIAL RECORD.

HAROLD WASHINGTON
Mayor

WALTER S. KOZUBOWSKI
City Clerk

Attendance at Meeting.

Present -- Honorable Harold Washington, Mayor, and Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone.

Absent -- Aldermen Gabinski, O'Connor.

Call to Order.

On Friday, December 7, 1984 at 11:04 A.M. (the day and hour appointed for the meeting was 10:00 A.M.) Honorable Harold Washington, Mayor, called the City Council to order. Daniel J. Burke, Deputy City Clerk, called the roll of members and it was found that there were present at that time: Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Quorum present.

Invocation.

Father David Harris, Saint Margaret's Episcopal Church, opened the meeting with prayer.

PERCY L. JULIAN HIGH SCHOOL FOOTBALL TEAM CHAMPIONS OF 1984 CHICAGO PUBLIC LEAGUE.

Honorable Harold Washington, Mayor, on behalf of himself and all the members of the City Council, presented the following proposed resolution:

WHEREAS, Percy L. Julian High School Football Team is currently the Chicago Public League 1984 Champions; and

WHEREAS, The Julian "Jaguars" demonstrated outstanding athletic ability this year capturing 12 wins and only 4 losses, while also gaining the Public League Southern Conference Championship; and

WHEREAS, Coach J.W. Smith, since 1975 has led the "Jaguars" to many exciting wins including: Blue Division Champions in 1977; Public League Champions in 1977; Prep Bowl Champions in 1979; Public League Champions in 1980 and Public League Champions in 1982 and 1984; and

WHEREAS, Coach Smith, and Assistant Coaches: Curtis Brown, Lee Harrison and Charles Chambers have done an exemplary job in instilling discipline and hard work in their teams; and

WHEREAS, The members of the team have made their schoolmates, parents, teachers and community proud as they have played each game with determination and model sportsmanship; now, therefore,

Be It Resolved, That we, the Mayor and the members of the City Council of the City of Chicago, gathered here this 7th day of December, 1984, do hereby congratulate the Percy L. Julian High School Football Team for an exemplary season, the conduct of which was an inspiration to Chicago youth; and

Be It Further Resolved, That a suitable copy of this resolution be prepared and presented to the football team of Percy L. Julian High School.

Alderman Frost moved to *Suspend the Rules Temporarily* to permit immediate consideration of and action upon the foregoing proposed resolution. The motion *Prevailed*.

On motion of Alderman Frost, seconded by Aldermen Hutchinson and Sherman, the foregoing proposed resolution was *Adopted*, unanimously.

Honorable Harold Washington, Mayor, presented a trophy to the Percy L. Julian High School Football Team. Principal Edward H. Oliver, on behalf of the team and the school accepted the trophy and expressed his appreciation for the honor accorded them. He also congratulated the De LaSalle Institute Football Team on winning the Chicago Prep Bowl Championship. The participants were warmly applauded by all the members of the City Council and assembled guests.

DE LASALLE INSTITUTE FOOTBALL TEAM WINNERS OF
CHICAGO PREP BOWL CHAMPIONSHIP.

Honorable Harold Washington, Mayor, on behalf of himself and all the members of the City Council, presented the following proposed resolution:

WHEREAS, The De LaSalle Institute Football Team has won the 51st Annual Chicago Prep Bowl Championship; and

WHEREAS, The De LaSalle team is also a winner of the 1984 Chicago Catholic League Championship; and

WHEREAS, These championships represent firsts in the 95-year history of this distinguished school; and

WHEREAS, Coach Todd Wernet in his brief tenure has given rise to many outstanding young athletes who, in the process, learn the inestimable value of teamwork and sportsmanship; and

WHEREAS, De LaSalle players Trevor Averett, John Hickey, Bill Michaud, George Preski and Mike Zovko have been recognized by the Chicago Catholic League conference as having exhibited such teamwork; now, therefore,

Be It Resolved, That we, the Mayor and the members of the City Council of the City of Chicago, gathered here this 7th day of December, 1984, do hereby congratulate the outstanding athletes who comprise the football team of the De LaSalle Institute, under Coach Todd Wernet, for achieving the status of champions of the 1984 Chicago Prep Bowl and of the 1984 Chicago Catholic League, and do extend to these fine young citizens our very best wishes for a happy, successful, and prosperous future; and

Be It Further Resolved, That a suitable copy of this resolution be prepared and presented to the football team of De LaSalle Institute.

Alderman Rush moved to *Suspend the Rules Temporarily* to permit immediate consideration of and action upon the foregoing proposed resolution. The motion *Prevailed*.

On motion of Alderman Rush, seconded by Aldermen Huels, Langford, Madrzyk and D. Davis, the foregoing proposed resolution was *Adopted*, unanimously.

Honorable Harold Washington, Mayor, presented a trophy to the De LaSalle Institute Football Team. Father Joseph, Principal, accepted the trophy on behalf of the team and school and expressed his gratitude at being so honored. Coach Todd Wernet also thanked the Council and the Mayor and he presented school shirts to Aldermen Rush and Huels. He then presented a school shirt to Mayor Washington and made him an honorary alumnus of De LaSalle Institute. The participants were enthusiastically applauded by the members of the City Council and assembled guests.

REPORTS AND COMMUNICATIONS FROM CITY OFFICERS.

Referred -- AMENDMENT OF CHICAGO DEFERRED COMPENSATION PLAN.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Budget Director, I transmit herewith an ordinance amending the Chicago Deferred Compensation Plan to bring it into conformity with current Internal Revenue Service requirements.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- CONDITIONAL APPROVAL OF INDUSTRIAL REVENUE
BOND FOR PROJECT BY H & L ENTERPRISES.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance:*

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance providing for the conditional approval of an industrial revenue bond in the amount of \$600,000 for the financing of a project by H & L Enterprises.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- ISSUANCE OF ADDITIONAL INDUSTRIAL REVENUE
BONDS FOR COMPLETION OF PROJECT BY THE
RELIABLE CORPORATION.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance:*

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance providing for the issuance of additional industrial revenue bonds in the amount of \$1,750,000 for the completion of a project by The Reliable Corporation.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

**Referred -- EXECUTION OF LOAN AND SECURITY AGREEMENT
WITH BRIGHT METALS FINISHING, INCORPORATED
FOR BUSINESS EXPANSION.**

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance:*

**OFFICE OF THE MAYOR
CITY OF CHICAGO**

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance authorizing the Commissioner to enter into and execute on behalf of the City of Chicago a Loan and Security Agreement with Bright Metals Finishing, Inc., in the amount of \$60,000 to expand business and job opportunities located at 3905 West Armitage Avenue.

Your favorable consideration of this ordinance will be appreciated.

Sincerely,
(Signed) HAROLD WASHINGTON,
Mayor.

**Referred -- EXECUTION OF LOAN AND SECURITY
AGREEMENT WITH DALLAS BEECHER
CONSTRUCTION, INCORPORATED
FOR BUSINESS EXPANSION.**

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance*.

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance authorizing the Commissioner to enter into and execute on behalf of the City of Chicago a Loan and Security Agreement with Dallas Beecher Construction, Inc., in the amount of \$35,000, to expand business and job opportunities located at 1813 West 87th Street.

Your favorable consideration of this ordinance will be appreciated.

Sincerely,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- EXECUTION OF LOAN AND SECURITY AGREEMENT
WITH G. M. SPECIALTIES, INCORPORATED FOR
BUSINESS EXPANSION.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance authorizing the Commissioner to enter into and execute on behalf of the City of Chicago a Loan and Security Agreement with G.M. Specialties, Inc., in the amount of \$25,000 to expand business and job opportunities located at 4107 W. Lake Street.

Your favorable consideration of this ordinance will be appreciated.

Sincerely,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- EXECUTION OF LOAN AND SECURITY
AGREEMENT WITH K-DEL INDUSTRIES,
INCORPORATED FOR BUSINESS
EXPANSION.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- The the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance authorizing the Commissioner to enter into and execute on behalf of the City of Chicago a Loan and Security Agreement with K-Del Industries, Inc., in the amount of \$30,000, to expand business and job opportunities located at 4127 W. Kinzie.

Your favorable consideration of this ordinance will be appreciated.

Sincerely,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- EXECUTION OF LOAN AND SECURITY
AGREEMENT WITH PALMKO, INCORPORATED
FOR BUSINESS EXPANSION.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance authorizing the Commissioner to enter into and execute on behalf of the City of Chicago a Loan and Security Agreement with Palmko, Inc., in the amount of \$50,000 to expand business and job opportunities located at 1289 North Milwaukee Avenue.

Your favorable consideration of this ordinance will be appreciated.

Sincerely,
(Signed) HAROLD WASHINGTON,
Mayor.

**Referred -- EXECUTION OF LOAN AND SECURITY
AGREEMENT WITH PHASE I, INCORPORATED
FOR BUSINESS EXPANSION.**

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance*:

**OFFICE OF THE MAYOR
CITY OF CHICAGO**

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance authorizing the Commissioner to enter into and execute on behalf of the City of Chicago a Loan and Security Agreement with Phase II, Inc., in the amount of \$100,000 to expand business and job opportunities located at 155 North Michigan Avenue.

Your favorable consideration of this ordinance will be appreciated.

Sincerely,
(Signed) HAROLD WASHINGTON,
Mayor.

**Referred -- SUBMISSION OF APPLICATION FOR RENTAL
REHABILITATION GRANT FUNDS FOR CHICAGO
RENTAL REHABILITATION PROGRAM.**

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance*:

**OFFICE OF THE MAYOR
CITY OF CHICAGO**

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

12/7/84

COMMUNICATIONS, ETC.

11489

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Housing, I transmit herewith an ordinance providing for the submission of an application for Rental Rehabilitation Grant Funds to the United States Department of Housing and Urban Development in the amount of \$5,319,000 for the City of Chicago's Rental Rehabilitation Program.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- SUBMISSION OF AMENDED APPLICATION FOR URBAN
DEVELOPMENT ACTION GRANT FOR 71ST AND
JEFFERY PROJECT.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Finance*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of Economic Development, I transmit herewith an ordinance authorizing the Commissioner to submit an amended application for an Urban Development Action Grant to the U.S. Department of Housing and Urban Development for the 71st and Jeffery Project.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- CONDITIONAL APPROVAL OF INDUSTRIAL REVENUE
BOND FOR PROJECT BY CERES TERMINALS,
INCORPORATED.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Economic Development*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance providing for the conditional approval of an industrial revenue bond in the amount of \$1,500,000 for the financing of a project by Ceres Terminals, Incorporated.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- CONDITIONAL APPROVAL OF INDUSTRIAL REVENUE
BOND FOR PROJECT CHI-CAN FREIGHT
FORWARDING, LIMITED.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Economic Development*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance providing for the conditional approval of an industrial revenue bond in the amount of \$975,000 for the financing of a project by Chi-Can Freight Forwarding, Ltd.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- CONDITIONAL APPROVAL OF INDUSTRIAL REVENUE
BOND FOR PROJECT BY SAFER FOUNDATION.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Economic Development*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Economic Development, I transmit herewith an ordinance providing for the conditional approval of an industrial revenue bond in the amount of \$685,000 for the financing of a project by Safer Foundation.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- ACQUISITION AND RECONVEYANCE OF PROPERTIES
FOR URBAN HOMESTEADING PROGRAM.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Housing and Neighborhood Development*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Housing, I am transmitting herewith copies of an ordinance authorizing acquisition and reconveyance of properties for the Urban Homesteading Program.

Your favorable consideration of this ordinance will be greatly appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- AMENDMENT OF CHICAGO ZONING ORDINANCE IN
CENTRAL WEST REDEVELOPMENT PROJECT AREA.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Zoning*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Housing, acting as Chairman of the Department of Urban Renewal Board, I am transmitting herewith copies of an application for an amendment to the Chicago Zoning Ordinance for an Institutional Planned Development for the Department of Housing's Disposition Parcels I-1 and I-2 in its Central West Redevelopment Project Area.

Enactment of the ordinance by the City Council would facilitate redevelopment of the property and would allow for the expansion of the Rush- Presbyterian St. Luke's Medical Center.

Thank you for your consideration of this matter.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- AMENDMENT OF CHICAGO ZONING
ORDINANCE TO RECLASSIFY LINCOLN
PARK CONSERVATION AREA.

Honorable Harold Washington, Mayor, submitted the following communication, which was, together with the proposed ordinance transmitted therewith, *Referred to the Committee on Zoning*:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- At the request of the Commissioner of the Department of Housing, acting as Chairman of the Urban Renewal Board, I am transmitting herewith copies of an application for an amendment to the Chicago Zoning Ordinance for a

Residential Planned Development of an assembled tract of land including Disposition Parcel R-9 in the Lincoln Park Conservation Area.

Enactment of the ordinance by the City Council would greatly facilitate redevelopment of the property and would allow for the construction of 62 for-sale townhouses.

Thank you for your consideration of this matter.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Referred -- ISSUANCE OF GENERAL OBLIGATION SCHOOL
ASSISTANCE BONDS, SERIES E, 1984.

Honorable Harold Washington, Mayor, submitted the following communication:

OFFICE OF THE MAYOR
CITY OF CHICAGO

December 7, 1984.

To the Honorable, The City Council of the City of Chicago:

LADIES AND GENTLEMEN -- I transmit herewith an ordinance providing for levy of taxes sufficient to pay principal of and interest on an issue of \$114,500,000 General Obligation School Assistance Bonds, Series E (1984), of the Chicago School Finance Authority.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,
(Signed) HAROLD WASHINGTON,
Mayor.

Alderman Orr moved to suspend the rules temporarily for the immediate consideration of and action upon the said proposed ordinance. The motion was lost by yeas and nays as follows:

Yeas -- Aldermen Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Langford, Streeter, Kelley, Henry, W. Davis, Smith, D. Davis, Frost, Natarus, Oberman, Volini, Orr -- 20.

Nays -- Aldermen Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Kellam, Sheahan, Stemberk, Krystyniak, Marzullo, Nardulli, Hagopian, Mell, Kotlarz, Banks, Cullerton, Laurino, Pucinski, Hansen, McLaughlin, Orbach, Schulter, Stone -- 24.

Alderman Orr then moved to *Refer* the said proposed ordinance to the Committee on Finance. The motion *Prevailed* and said proposed ordinance was *Referred to the Committee on Finance*.

**City Council Informed As To Miscellaneous
Documents Filed Or Received In City
Clerk's Office.**

Honorable Walter S. Kozubowski, City Clerk, informed the City Council that documents have been filed or received in his office relating to the respective subjects designated as follows:

**REPORTS AND DOCUMENTS OF COMMONWEALTH
EDISON COMPANY.**

The following communication from Robert W. Bresemann, Assistant Secretary, Commonwealth Edison Company, addressed to the City Clerk under date of December 3, 1984, which reads as follows:

"Pursuant to the provision of the 1948 Franchise Ordinance granted to this Company, I am enclosing copies of reports of the Company as listed below:

Fuel Adjustment Charges under Federal Energy Regulatory Commission relating to the Rider No. 20, Fuel Adjustment, for the month of December, 1984.

Statement for bills issued in December, 1984, to Illinois Commerce Commission relating to Standard Contract Rider No. 20.

Quarterly report to Securities and Exchange Commission (Form 10-Q) as of September 30, 1984.

Monthly statement of operating revenue and income to Federal Energy Regulatory Commission (F.E.R.C. Form No. 5), for the month of October, 1984."

City Council Informed As To Publication Of Journal.

The City Clerk informed the City Council that all those ordinances, etc. which were passed by the City Council on December 3, 1984, and which were required by statute to be published in book or pamphlet form or in one or more newspapers, were published in pamphlet form on December 6, 1984, by being printed in full text in printed pamphlet copies of the Journal of the Proceedings of the City Council of the regular meeting held on December 3, 1984, published by authority of the City Council in accordance with the provisions of Section 5-5 of the Municipal Code of Chicago, as passed on December 22, 1947, which printed pamphlet copies were delivered to the City Clerk on December 6, 1984.

**Miscellaneous Communications, Reports, Etc., Requiring
Council Action (Transmitted To City Council
By City Clerk).**

The City Clerk transmitted communications, reports, etc., relating to the respective subjects listed below, which were acted upon by the City Council in each case in the manner noted, as follows:

ANNUAL REPORT OF CHICAGO HOUSING AUTHORITY.

The annual report for the Chicago Housing Authority for the year ended December 31, 1983, submitted by Ervin A. France, Interim Executive Director. -- *Placed on File.*

ZONING RECLASSIFICATIONS OF PARTICULAR AREAS.

Also applications (in triplicate) together with the proposed ordinances for amendment of the Chicago Zoning Ordinance, as amended, for the purpose of reclassifying particular areas, which were *Referred to the Committee on Zoning*, as follows:

Mr. and Mrs. Z. Lesman -- to classify as a B4-2 Restricted Service District instead of B4-2 Restricted Service and R5 General Residence Districts the area shown on Map No. 12-D bounded by

a line 83 feet south of and parallel to E. Hyde Park Boulevard; S. Harper Avenue; a line 158 feet south of and parallel to E. Hyde Park Boulevard; and a line 137 feet west of and parallel to S. Harper Avenue;

Robert Silva -- to classify as an R3 General Residence District instead of an M1-2 Restricted Manufacturing District the area shown on Map No. 12-J bounded by

a line 338.14 feet north of and parallel to W. 51st Street; S. Christiana Avenue; a line 238.14 feet north of and parallel to W. 51st Street; and the alley next west of and parallel to S. Christiana Avenue;

Lottie Taylor -- to classify as an R3 General Residence District instead of a C1-1 Restricted Commercial District the area shown on Map No. 24-B bounded by

a line 304.0 feet south of and parallel to E. 99th Street; S. Torrence Avenue; a line 354.0 feet south of and parallel to E. 99th Street; and the alley next west of and parallel to S. Torrence Avenue.

CLAIMS AGAINST CITY OF CHICAGO.

Also claims against the City of Chicago, which were *Referred to the Committee on Claims and Liabilities*, filed by the following:

Aetna and Benjamin-Robert, Inc., Aguerro Beatrice, Allstate (2) Frank Galvin and Martin Koranda, American States Ins. and Mildred Davis;

Bingham Anthony III, Brown Ben, Brown Sandra;

Chlebowski William, CNA Ins. and William and Adrien Robinson;

Davis Construction, Davis Rosa Ann, DeFiglio Samuel;

Economy Fire and Cas. Co. and Victoria Holmes, Elliott Juliette, Elmorsy Adel Joellyn;

French Mable;

General Cas. Co. and Nelda Worthington;

Haines William, Hession Mary Ann;

Illinois Bell;

Jackson Corinne M., Jaspan Jacqueline;

Khosravian Ali, Kinney Richard W., Kus Peter;

Liberty Mutual Ins. (2) Delois Jones and Mark Muzio;

Matson Sally Jean, McGee George, Merrill Lula, Motors Ins. Co. and GMAC, Murphy Robin L.;

Ordonez Romulo A.;

Perrino Vito S., Perry Frank M., Pollack Michael, Pompilio Joanne, Powell DeWayne A., Price Beulah, Przyborowski Louis;

Rodgers Clarence A., Rudd Vincent;

Sandoval Elia, Scafidi Phillip, Silverman Bette L., State Farm (2) Arthur Bellamy and Dale Hay, Strul Rick;

Taylor Linda;

Umbricht Russell P.;

Van Oost Daniel;

Wallys First Inc., Warrior Gloria, Wilborn Chester I. Jr., Wolfe Gene H.

Referred -- BIDS FOR SALE OF CITY-OWNED PROPERTY.

The City Clerk transmitted communications from Walter K. Knorr, City Comptroller, under date of December 4, 1984, which read as follows:

Transmitted herewith two (2) sealed bids. These bids were submitted in response to advertisement for the sale of City-owned property at 2534-2544 N. Milwaukee Avenue which was authorized by ordinance passed October 1, 1984, page 9859, Council Journal.

Transmitted herewith one (1) sealed bid. This bid was submitted in response to advertisement for the sale of City-owned property at 3312-3328 W. Ogden Avenue which was authorized by ordinance passed October 1, 1984, page 9860, Council Journal.

On motion of Alderman Banks, the bids submitted with the foregoing communications were ordered opened and read and were then *Referred to the Committee on Land Acquisition and Disposition.*

The following is a summary of said bids:

2534-2544 N. Milwaukee Avenue.

Jorge Castellano, 2529 N. Milwaukee Avenue, Chicago, Illinois 60647: Amount bid \$27,700.00, deposit check \$2,770.00 (cashier's check);

2470 N. Milwaukee Corp., c/o Steel Craft Prods. Co., 2470 N. Milwaukee Avenue, Chicago, Illinois 60647: Amount bid \$42,000.00, deposit check \$4,200.00 (certified check);

3312-3328 W. Ogden Avenue.

Irwin M. Bloomfield, 412 Eugenie Street, Chicago, Illinois 60614: Amount bid \$10,500.00, deposit check \$1,050.00 (cashier's check).

REPORTS OF COMMITTEES.

COMMITTEE ON FINANCE.

**CHAPTER 22, SECTIONS 22-5 and 22-12 OF MUNICIPAL
CODE OF CHICAGO AMENDED CONCERNING DEATH
BENEFIT FUND FOR POLICEMEN AND
FIREMEN.**

The Committee on Finance submitted a report recommending that the City Council pass a proposed ordinance transmitted therewith authorizing the amendment of Chapter 22, Sections 22-5 and 22-12 of Municipal Code of Chicago concerning Policemen's and Firemen's Death Benefit Fund.

On motion of Alderman Burke, the said proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Stemberk moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

WHEREAS, The City of Chicago has established a Policemen's and Firemen's Death Benefit Fund; and

WHEREAS, The City Council is desirous of amending Chapter 22 of the Municipal Code of the City of Chicago to increase the Death Benefit awards for widows, minor children and other dependents of police officers and firefighters killed in the line of duty; and

WHEREAS, The City Council will make uniform the proof necessary to establish heirship of deceased police officers or firefighters; and

WHEREAS, Pursuant to the Home Rule authority granted to municipalities in excess of 25,000 in Article VII, Section 6(a) of the 1970 Illinois Constitution; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Sections 22-5 and 22-12 of the Municipal Code of the City of Chicago are hereby amended by deleting the language and numbers bracketed and inserting the language and numbers in italics as follows:

22-5. No such award or payment shall be made unless satisfactory proof shall have been presented to the board of trustees that death occurred within one year from the date of injury, that such injury arose from violence or other accidental cause, that such injury was received while in the performance of duty, and that such injury was the direct cause of death. *The amount of the award shall be determined by Order of Court, entered by a Court of Competent Jurisdiction, declaring heirship.*

22-12. Awards made under the terms of this chapter shall be in accordance with the said statute, approved June 27, 1921, as amended, for the use and benefit of the beneficiaries as follows:

(1) The widow of the deceased if there be no minor child or children	\$[7,500]	<i>\$10,000</i>
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- | | | |
|--|----------|--------|
| (2) The widow and one minor child of the deceased, in equal parts | [11,250] | 15,000 |
| (3) The widow and two or more minor children of the deceased, in equal parts | [15,000] | 25,000 |
| (4) The widow and an actually and fully dependent father or mother of the deceased, in equal parts | [11,250] | 15,000 |
| (5) The widow and an actually and fully dependent father and mother of the deceased, in equal parts | [15,000] | 25,000 |
| (6) The widow, one minor child and an actually and fully dependent mother, father, or both, of the deceased, in equal parts | [15,000] | 25,000 |
| (7) The widow, two or more minor children and an actually and fully dependent father, mother, or both, of the deceased, in equal parts | [15,000] | 25,000 |
| (8) One minor child of the deceased. | [7,500] | 10,000 |
| (9) Two minor children of the deceased, in equal parts | [11,250] | 15,000 |
| (10) Three or more minor children of the deceased, in equal parts | [15,000] | 25,000 |
| (11) One minor child and an actually and fully dependent father or mother of the deceased, in equal parts | [11,250] | 15,000 |
| (12) One minor child and an actually and fully dependent father and mother of the deceased, in equal parts | [15,000] | 25,000 |
| (13) Two or more minor children and an actually and fully dependent father, mother or both, of the deceased, in equal parts | [15,000] | 25,000 |
| (14) If there be a mother, father, or both, partially dependent upon the deceased for support in addition to the widow, minor child or children or any number thereof, then such mother, father, or both, shall each be treated on the basis of one-half the rights of a minor child in computing the awards to be made hereunder, and this provision shall apply to sub-paragraphs (15), (17), (18), (19), (20), (21), (22) and (23) of this section. | | |

The right of the minor child is understood to mean the child's proportionate part in the benefits set out in sub-paragraphs (2), (3), (9) and (10) of this section.

(15) The widow and a partially dependent father or mother of the deceased	[8,437.50]	11,250
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(16) The widow and a partially dependent father and mother of the deceased	[11,250]	15,000
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(17) The widow, one minor child and a partially dependent father or mother of the deceased	[14,062.50]	18,750
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(18) The widow, one minor child and a partially dependent father and mother of the deceased	[15,000]	25,000
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(19) The widow, two or more minor children and a partially dependent father, mother, or both of the deceased	[15,000]	17,500
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(20) One minor child and a partially dependent father or mother of the deceased	[8,437.50]	11,250
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(21) One minor child and a partially dependent father and mother of the deceased	[11,250]	15,000
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(22) Two minor children and a partially dependent father or mother of the deceased	[14,062.50]	18,750
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(23) Two or more minor children and a partially dependent father and mother of the deceased	[15,000]	25,000
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(24) If there be no widow or children of the deceased and there be a father or mother surviving the deceased, fully dependent upon the deceased for support at the time of his death, awards shall be made as follows:

For the father or mother	[6,000]	10,000
For the father and mother	[9,000]	15,000

(25) If there be no widow or children of the deceased and there be a father or mother surviving the deceased partially dependent upon the deceased for support at the time of his death, awards shall be made as follows:

For the father or mother	[3,000]	4,000
For the father and mother	[4,500]	6,000

(26) If there be no widow, children, father or mother of the deceased, and if there be minor brothers or sisters, and brothers or sisters having reached the age of 50 years or over, fully dependent upon the deceased for support at the time of his death, awards shall be made as follows:

One adult brother or more-each	[2,250]	3,000
One adult sister or more-each	[2,250]	3,000
One minor brother or sister	[3,750]	5,000
Two minor brothers or sisters	[5,625]	7,500
Three minor brothers or sisters	[7,500]	10,000
Four or more minor brothers or sisters	[9,375]	12,500

(27) If there be no widow, children, father or mother surviving the deceased, and if there be minor brothers or sisters partially dependent upon the deceased for support at the time of his death, awards shall be made as follows:

One minor brother or sister	[2,250]	3,000
Two minor brothers or sisters	[3,750]	5,000
Three or more minor brothers/sisters	[5,625]	7,500

(28) An unmarried female child of full age or a male child that is physically or mentally disabled, in case he or she is dependent upon the deceased for support at the time of his death, shall be granted the allowance herein provided for a minor child.

(29) When there are two or more beneficiaries of any allowance of money awarded for the support, maintenance and education of the family or dependents of any policeman or fireman such allowance shall be for the use and benefit of such beneficiaries in equal parts, share and share alike, except as provided in sub paragraphs (14), (15), (16), (17), (18), (19), (20), (21), (22), and (23) of this section.

SECTION 2. This ordinance shall be effective January 1, 1985.

ESTABLISHMENT OF MUNICIPAL CODE CHAPTER 200.7 AUTHORIZED.

The Committee on Finance submitted a report recommending that the City Council pass a proposed ordinance transmitted therewith authorizing the establishment of Chapter 200.7 of Municipal Code of Chicago, concerning motor vehicle lessor tax.

On motion of Alderman Burke, the said proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schullter, Volini, Orr, Stone -- 48.

Nays -- None.

The following is said ordinance as passed:

WHEREAS, The Illinois legislature has passed P.A. 83-1110 authorizing municipalities to impose a tax on the privilege of leasing motor vehicles within such municipalities on a daily or weekly basis; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Municipal Code of Chicago is hereby amended by adding a new Chapter 200.7 in italics as follows:

200.7. This Chapter shall be known and cited as the "Motor Vehicle Lessor Tax Ordinance" and the tax herein imposed shall be known and cited as the "Motor Vehicle Lessor Tax."

200.7-1.A. For the purposes of this Chapter, when any of the following words or terms are used herein they shall have the meaning or construction ascribed to them in this section:

City: The term "City" shall mean the City of Chicago, Illinois.

Daily or weekly basis: The term "daily or weekly basis" shall mean any period of time for which a daily or weekly rate is charged for a lease, and shall also include any lease period other than a monthly or yearly lease where a monthly or yearly rate is charged.

Department: The term "Department" or "Department of Revenue" shall mean the Department of Revenue of the City of Chicago.

Director: The term "Director" or "Director of Revenue" shall mean the Director of Revenue of the City of Chicago.

Leasing: The term "leasing" or any similar term shall mean any transfer of the possession or the right to possession of a motor vehicle to a user for a valuable consideration.

Lessor: The term "lessor" shall mean any person who leases a motor vehicle on a daily or weekly basis.

Motor Vehicle: The term "motor vehicle" shall mean any motor vehicle as defined in Section 1-146 of "The Illinois Vehicle Code."

B. In this Chapter, unless the context otherwise requires, words in the singular number include the plural, and in the plural include the singular; words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words of the neuter gender may refer to any gender.

200.7-2.A. A tax is hereby imposed upon the privilege of leasing motor vehicles within the City on a daily or weekly basis in the amount of 95 cents per vehicle per rental period specified in the lease agreement. This tax shall be effective until and including May 25, 1986.

B. On May 26, 1986, and thereafter, a tax is hereby imposed upon the privilege of leasing motor vehicles within the City on a daily or weekly basis in the amount of one dollar per vehicle per rental period specified in the lease agreement.

C. Any tax herein imposed is in addition to any other taxes authorized by law.

D. The lessor shall be required to pay this tax to the Department as provided in subsection F below. The lessor shall not be allowed to pass this tax along to his lessees as a separate charge on his rental bills or invoices.

E. This tax shall not apply to any lessor who is a governmental body; nor shall it apply to any lessor upon whom the imposition of the tax would violate the United States Constitution or the Constitution of the State of Illinois.

F. Except as provided herein, the lessor shall pay this tax on a monthly basis, with the tax due on motor vehicles leased within the month by the last day of the following month. A remittance return shall accompany each monthly payment. The format of such remittance return shall be prescribed by the Director of Revenue, and such return shall include the number of motor vehicles leased within that month and any other reasonable information the Director deems necessary. The remittance returns shall be filed and signed by the lessor under penalty as provided in Section 200.7-12 of this Chapter. The Director may allow a lessor to pay this tax on an annual basis, if the lessor's average monthly tax liability is less than \$20, with the tax due for the calendar year by the last day of January of the following year. A remittance form prescribed by the Director of Revenue, with requirements similar to the monthly remittance return referred to above, shall be signed and filed by the lessor with his annual payment.

200.7-3.A. Any tax not paid when due shall bear interest of 2% per month, or fraction thereof, until the tax is paid.

B. In addition to any interest charged, any tax not paid when due shall subject the lessor failing to pay such to a 10% late payment penalty, unless a late filing penalty is due as provided in subsection C below. This penalty shall be calculated upon the amount of tax underpaid.

C. In addition to any interest charge, any remittance return not filed when due shall subject the lessor failing to file such to a 10% late filing penalty calculated upon the total tax liability due for such filing period.

D. Any payment or return not physically received by the Department by the due date shall be considered late.

E. All payments received shall first be applied to penalty due, then interest due and finally to tax due for the period the payment is made for.

F. The lessor shall be required to pay all tax, interest and penalty due from him, except that if the Director finds that any late payment or late filing was due to reasonable cause, the penalty for such shall not apply.

200.7-4.A. Every lessor subject to the tax imposed herein shall keep accurate and complete books and records of his leasing business which will include invoices, rental

agreements, annual inventories of motor vehicles available for rental and other pertinent papers and documents. All such books and records which are required to be kept by this Chapter shall be kept in the English language and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

B. It shall be presumed that all leases of motor vehicles are subject to tax under this Chapter until the contrary is established. The burden of proving that a lease is not taxable hereunder shall be upon the lessor.

200.7-5. *The Director is hereby empowered to adopt, promulgate, and to enforce, rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Chapter, including provisions for the re-examination, correction and amendment of all returns. The Director, or any agent or employee designated in writing by him, is hereby authorized to examine the books and records of any lessor during regular business hours, in order to verify the accuracy of any return made, or if no return was made to ascertain the tax imposed by this Chapter.*

200.7-6.A *If it shall appear to the Director that any person has violated any provision of this Chapter or any rule or regulation promulgated hereunder, or if the amount of any tax payment is incorrect in that it does not include all taxes payable for such calendar month or period, or if the Director shall find that the collection of any taxes which have accrued but are not yet due will be jeopardized by delay, and declares said taxes to be immediately due and payable, or if it shall appear to the Director that he has made any final assessment which did not include taxes payable for the periods involved, or if it appears to the Director that any person has, by reason of any act or omission or by operation of law, become liable for the payment of any taxes, interest or penalties not originally incurred by him, the Director may in any of the above events determine and assess the amount of such taxes or deficiency, as the case may be, together with the interest and penalties due and unpaid, and immediately serve notice upon such person of such determination and assessment and make a demand for payment of the tax together with interest and penalties thereon. If the person incurring any such liability has died, such assessment may at the discretion of the Director be made against his personal representatives. Such determination and assessment by the Director shall be final at the expiration of 20 days from the date of the service of such written notice thereof and demand for payment, unless such person shall have filed with the Director a written protest and a petition for a hearing, specifying its objections thereto. Upon the receipt of such petition within the 20 days allowed, the Director shall fix the time and place for a hearing and shall notify the petitioner thereof. The Director may amend his determination and assessment at anytime before it becomes final. In the event of such amendment the person affected shall be given notice thereof and an opportunity to be heard in connection therewith. At any hearing held as herein provided, the determination and assessment that has been made by the Director shall be prima facie correct and the burden shall be upon the protesting person to prove that it is incorrect. Upon the conclusion of such hearing a decision shall be made by the Director either canceling, increasing, modifying or affirming such determination and assessment and notice thereof given to the petitioner. Such notice shall contain a statement by the Director of the cost of the certification of the record computed at the rate of 5 cents per 100 words, which cost shall be charged to the petitioner if the determination or assessment is affirmed. The record shall consist of the notices and demands caused to be served by the Director, the original determination and assessment of the Director, the*

written protest and petition for hearing, the testimony introduced at such hearing, the exhibits produced at such hearing, or certified copies thereof, the decisions of the Director and such other documents in the nature of pleadings filed in the proceeding.

B. Whenever any person shall fail to pay any tax as herein provided, the City's Corporation Counsel shall, upon the request of the Department, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

C. If the Mayor, after hearing held by or for him, shall find that any person has wilfully evaded payment of the tax imposed by this Chapter, he may suspend or revoke all City licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing to be held not less than 7 days after notice is given to him of the time and place of the hearing to be held, addressed to him at his last known place of business. Pending notice, hearing and finding, any license issued by the City possessed by said person may be temporarily suspended. Any suspension or revocation of any license shall not release or discharge said person from his civil liability for the payment or collection and remittance of the tax, nor from prosecution for such offense.

200.7-7.A. Whenever it appears that an amount of tax, interest or penalty has been paid in error to the Department of Revenue by the person paying such tax (hereinafter referred to as "taxpayer"), whether such amount be paid through a mistake of fact or an error of law other than an error resulting from the tax, any of its provisions or its application being declared invalid or unconstitutional, not later than three years from the date upon which such payment was made, such taxpayer may file a claim for credit or refund with the Department on forms provided by said Department for that purpose. No credit or refund shall be allowed for any amount paid by such taxpayer unless it appears that he bore the burden of such amount and did not shift the burden to another person.

B. Any credit or refund that is allowed under this Section shall bear interest at the rate of one-half of one percent (1/2%) per month, or any fraction thereof, from the date when the erroneous payment for which credit or refund is being allowed was made to the Department, until a credit memorandum is issued or a refund is paid.

C. A claim for credit or refund shall be considered to have been filed with the Department on the date upon which it is received by the Department, and receipt of any claim for credit or refund filed under this Section shall be acknowledged by the Director or any designated person on his behalf, said receipt to describe the claim in sufficient detail as to identify it, and to state the date upon which the claim was received by the Department.

D. As soon as practicable after a claim for credit or refund is filed, the Director, or his designate, shall examine the same and determine the amount of credit or refund due, if any, and shall issue a Notice of Tentative Determination of Claim and notify the claimant of such determination. If the claimant disagrees with the determination, he shall file a protest and challenge thereto within 20 days after the date of Notice of Tentative Determination of Claim has been mailed to him. Upon receipt of such protest within the 20 days allowed, the Director, or his designate, shall fix the time and place for a hearing thereon, giving notice to the claimant thereof, not less than 7 days prior thereto. At any hearing held as herein provided, the Tentative Determination of Claim shall be prima

facie correct and the burden shall be upon the claimant to prove that it is incorrect. Upon the conclusion of the hearing, a decision shall be made by the Director and notice thereof given to the claimant. In the event no protest or challenge to the Tentative Determination of Claim is filed within the 20 day period hereinabove set forth, said notice shall thereafter become and operate as a final determination.

E. The Director may in his discretion issue a letter of credit to a claimant who may be able to use said credit in the foreseeable future, or a refund certificate in lieu of a credit memorandum on application by a person who cannot use said credit, or sell or assign the same. Refund certificates shall be numbered serially as they are issued and shall be paid in the order of their issuance from funds that are appropriated to the Department for that purpose.

200.7-8. Whenever notice is required by this Chapter, such notice may be given by United States registered or certified mail, addressed to the person concerned at his last known address, and proof of such mailing shall be sufficient for the purposes of this Chapter. Notice of any hearing provided for by this Chapter shall be so given not less than 7 days prior to the day fixed for the hearing. Following the initial contact of a person represented by an attorney, the Department shall not contact the person concerned but shall only contact the attorney representing the person concerned.

All hearings provided for in this Chapter shall be at the Department's office.

200.7-9. Any officer or employee of any corporation subject to the provisions of this Chapter who has the control, supervision or responsibility of filing returns and making payment of the amount of tax herein imposed and who wilfully fails to file such return or to make such payment to the Department shall be personally liable for such amounts, including interest and penalties thereon, in the event that after proper proceedings for the collection of such amounts, as provided in this Chapter, such corporation is unable to pay such amounts to the Department; and the personal liability of such officer or employee as provided herein shall survive the dissolution of the corporation.

200.7-10. Any person required to pay the tax imposed by this Chapter and who sells or transfers his business of leasing motor vehicles or a major part of the assets of such business, other than a sale of assets (including inventory) in the ordinary and usual course of such business, is required to file a notice of such intended sale or transfer with the Department at least 45 days prior to the date of such sale or transfer, setting forth the name of the seller or transferor, purchaser or transferee, a description of the property or business sold, the amount of the purchase or transfer price and such other information as the Department may reasonably request. Within 30 days after such sale or transfer, such seller or transferor shall file any remittance returns and pay any tax due and not paid up to the date of sale or transfer. At least 45 days before the sale or transfer referred to above takes place, the purchaser or transferee shall also file a notice of intended sale or transfer with the Department, setting forth the same information as required in the seller's or transferor's notice and further requesting that the Department perform an audit of the seller's or transferor's books and records or to do whatever else is necessary to determine how much tax is due up to the date of sale or transfer. The purchaser's or transferee's notice may be made in conjunction with the seller's or transferor's notice. If the purchaser or transferee fails to file the notice as required herein, the purchaser or transferee shall be personally liable to the Department for the amount of tax, interest and penalty owed by the seller or transferor to the Department up to the amount of the reasonable value of the

property acquired by the purchaser or transferee. If a notice is filed, the Department shall notify both the seller (or transferor) and the purchaser (or transferee) of the amount to be withheld from the purchase or transfer price to cover all taxes, interest and penalties due under this Chapter and unpaid up to the date of sale or transfer. The purchaser or transferee shall withhold this amount from the purchase or transfer price or if payment of money or property is not involved, he shall withhold the performance that constitutes consideration for the sale or transfer, until the seller or transferor produces a receipt from the Department showing that such tax, interest and penalty had been paid or a certificate from the Department showing no tax is due. The purchaser or transferee is relieved of any duty to withhold from the purchase or transfer price and shall have no liability for tax, interest or penalty due hereunder from the seller or transferor, if the Department fails to notify the purchaser or transferee of such amount claimed due at least five days before the date of such sale or transfer. If the purchaser or transferee is notified by the Department of the amount to be withheld from the purchase or transfer price and does withhold such amount, the purchaser's or transferee's liability for any tax, interest or penalty hereunder shall be limited to the amount withheld. If the purchaser or transferee fails to withhold from the purchase or transfer price the amount requested by the Department, the purchaser or transferee shall be liable for any tax, interest or penalty due in excess of any amount withheld, but not exceeding the amount of the reasonable value of the property acquired by him. The purchaser or transferee shall pay over to the Department any amount withheld hereunder upon notification of the refusal of the seller or transferor to pay any tax, interest or penalty due hereunder and upon notification of the Department claim against the purchaser or transferee for any such money. Nothing in this section shall be construed to relieve the seller or transferor of his liability for tax, interest and penalty due from him, except that any payments received from the purchaser or transferee as provided herein shall reduce such liability payable to the Department.

200.7-11. All proceeds resulting from the imposition of this tax including interest and penalties shall be deposited in the Corporate fund of the City.

200.7-12. Any person found guilty of violating, disobeying, neglecting, or refusing to comply with any of the provisions of this Chapter except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$200.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period, provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1983, Ch. 110, par. 1-101, et seq.). A person who commits repeated offenses in excess of three within any 180-day period may also be punished as committing a misdemeanor by incarceration in the County Jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1983, Ch. 24, par. 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Ill. Rev. Stat. 1983, Ch. 38, pars. 100-1, et seq.) in a separate proceedings. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist, after notification thereof.

200.7-13. If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this Chapter is severable, unless otherwise provided by this Chapter. In

particular, but without limitation, each provision creating an exception to or an exemption or exclusion from the imposition of the tax is severable. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

SECTION 2. This ordinance shall be effective ten days after passage and due publication.

TRANSFER OF FUNDS AUTHORIZED AND DIRECTED
IN COMMITTEE ON CULTURAL DEVELOPMENT
AND HISTORICAL LANDMARK
PRESERVATION.

The Committee on Finance submitted a report recommending that the City Council pass the following proposed ordinance transmitted therewith:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the City Comptroller and the City Treasurer are authorized and directed to make the following transfer of funds for the year 1984. This transfer will leave sufficient unencumbered appropriations to meet all liabilities that have been or may be incurred during the year 1984 payable from such appropriations.

FROM:

Account	Number	Amount
Personnel	100-1234-000	\$9,000

TO:

Account	Number	Amount
Commodity	100-1234-300	\$9,000.

SECTION 2. That the sole purpose of this transfer of funds is for the purchase of an I.B.M. P.C. 256-K Data Center.

SECTION 3. This ordinance shall be effective upon due passage.

On motion of Alderman Burke, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

CHAPTER 200.6, SECTIONS 200.6-5 AND 200.6-9 OF
MUNICIPAL CODE AMENDED CONCERNING
CHICAGO SALES TAX SURETY
REQUIREMENTS.

The Committee on Finance submitted a report recommending that the City Council pass a proposed ordinance transmitted therewith authorizing the amendment of Chapter 200.6, Sections 200.6-5 and 200.6-9 of the Municipal Code of Chicago concerning surety requirements for collectors of the Chicago Sales Tax.

On motion of Alderman Burke, the said proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 200.6 of the Municipal Code of Chicago is hereby amended by deleting the language bracketed and inserting the language in italics as follows:

200.6-5. Every retailer maintaining a place of business in the City shall obtain a certificate of registration as a tax collector from the Department no later than 30 days after commencing such business or 30 days after the effective date of this Chapter, whichever occurs later.

* * * * *

Every applicant for a certificate of registration [hereinunder] *hereunder* shall, within 30 days after he commences to engage in the business of selling tangible personal property at retail, furnish a bond from a surety company authorized to do business in the State of Illinois, [or a bond signed by 2 personal sureties who have filed with the Department sworn statements disclosing net assets equal to at least 3 times the amount of the bond to be required of such applicant,] or a bond secured by an assignment of a bank account or certificate of deposit, [stocks or bonds,] conditioned upon the applicant paying to the City all moneys becoming due under this Chapter. The Department shall fix the amount of such security in each case, taking into consideration the amount of money expected to become due from the applicant under this Chapter. The amount of security required by the Department shall be such as, in its opinion, will protect the City against failure to pay the amount which may become due from the applicant under this

Chapter, but the amount of the security required by the Department shall not exceed three times the amount of the applicant's average monthly tax collection and remission liability, or \$50,000.00 whichever amount is lower. No certificate of registration under this Chapter shall be issued by the Department until the applicant provides the Department with satisfactory security as herein provided for. The Department may waive the furnishing of a bond until January 1, 1982.

* * * * *

With respect to security other than bonds (upon which the Department may sue in the event of a forfeiture), if the tax collector fails to pay, when due, any amount whose payment such security guarantees, the Department shall after such liability is admitted by the tax collector or established by the Department through the issuance of a final assessment that has become final under the law, convert the security which that tax collector has furnished into money for the City after first giving the tax collector at least 10 days' written notice, by registered or certified mail, to pay the liability or forfeit such security to the Department. [If the security consists of stocks or bonds or other securities which are listed on any public exchange, the Department shall sell such securities through such public exchange.] If the security consists of a bank certificate of deposit, the Department shall convert the security into money by demanding and collecting the amount of such bank certificate of deposit from the bank which issued such certificate. [If the security consists of a type of stocks or other securities which are not listed on a public exchange, the Department shall sell such security to the highest and best bidder after giving at least 10 days' notice of the date, time and place of the intended sale by publication in a daily newspaper of general circulation in the City.] If the Department realizes more than the amount of such liability from the security, plus the expenses incurred by the Department in converting the security into money, the Department shall pay such excess to the tax collector who furnished such security and the balance shall be paid into the Corporate Fund of the City.

* * * * *

Section 200.6-9. In case any person engaged in the business of selling tangible personal property at retail fails to file a return when and as herein required, but thereafter, prior to the Department's issuance of a notice of tax liability under this Section, files a return and pays the tax, he shall also pay a penalty of 5% of the amount of the tax.

* * * * *

However, where the failure to file any tax return *or pay any tax* required under this Chapter on the date prescribed, therefor (including any extensions thereof), is due to reasonable cause the penalties imposed by this Chapter shall not apply.

* * * * *

If the Comptroller determines that a person required to remit or pay the tax imposed by this Chapter has wilfully or negligently failed to pay or remit any tax *when* due under this Chapter, such person shall be liable to pay a penalty, in addition to any tax, interest or other penalty due, of 20% of the amount of such tax due. This penalty provision shall not apply if a person is already liable for and has been assessed a 20% penalty for failing

to file a return and pay the tax due under this Chapter, as provided earlier in this Section.

The collection of tax or penalty or interest by any means provided for herein shall not be a bar to collection by any other means or to any prosecution under this Chapter.

In addition to any penalty provided for in this Chapter any amount of tax which is not paid or remitted when due shall bear interest at the rate of 2% per month or fraction thereof from the date when such tax becomes past due until such tax is paid or a judgment therefor is obtained by the Department; provided, however, that if the time for making or completing an audit of a tax collector's books and records is extended with the tax collector's consent, at the request of and for the convenience of the Department, beyond the date on which the statute of limitations upon the issuance of a notice of tax liability by the Department otherwise would run, no interest shall accrue during the period of such extension.

* * * * *

SECTION 2. This ordinance shall take effect ten days after its due passage and publication, but no earlier than January 1, 1985.

**AUTHORITY GRANTED FOR ISSUANCE OF FREE PERMITS
FOR CERTAIN CHARITABLE, EDUCATIONAL AND
RELIGIOUS INSTITUTIONS.**

The Committee on Finance to which had been referred (November 28 and December 3, 1984) two proposed ordinances transmitted therewith to authorize the issuance of a free permit for certain charitable, educational and religious institutions, submitted separate reports recommending that the City Council pass said proposed ordinances.

On separate motions made by Alderman Burke, *each* of the said proposed ordinances was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

Said ordinances as passed read respectively as follows (the italic heading in each case not being a part of the ordinance):

Art in Public Places, Incorporated.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Commissioner of Inspectional Services, the Commissioner of Public Works, the Commissioner of Streets and Sanitation, the Commissioner of Sewers, and the Commissioner of Water are hereby directed to issue all necessary permits, free of charge, notwithstanding other ordinances of the City to the contrary, to Art in Public Places, Inc., 180 E. Pearson Street for the construction of the Sol Lewitt Wall Project [a gift to Chicago] on the premises known as 10 W. Jackson Boulevard.

Said building shall be used exclusively for art and related purposes and shall not be leased or otherwise used with a view to profit, and the work thereon shall be done in accordance with plans submitted.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

St. Joseph Hospital.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Commissioner of Inspectional Services, the Commissioner of Public Works, the Commissioner of Streets and Sanitation, the Commissioner of Sewers, and the Commissioner of Water are hereby directed to issue all necessary permits, free of charge, notwithstanding other ordinances of the City to the contrary, to St Joseph Hospital, 2900 N. Lake Shore Drive for renovation work on the 11th floor, nursing station, by Pora Construction Company on the premises known as 2900 N. Lake Shore Drive.

Said building shall be used exclusively for medical and related purposes and shall not be leased or otherwise used with a view to profit, and the work thereon shall be done in accordance with plans submitted.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

**CITY COMPTROLLER AUTHORIZED AND DIRECTED TO CANCEL
WARRANTS FOR COLLECTION ISSUED AGAINST CERTAIN
CHARITABLE, EDUCATIONAL AND RELIGIOUS
INSTITUTIONS.**

The Committee on Finance to which had been referred on November 28 and December 3, 1984, sundry proposed orders for cancellation of specified warrants for collection issued against certain charitable, educational and religious institutions, submitted reports recommending that the City Council pass the following substitute proposed order:

Ordered, That the City Comptroller is hereby authorized and directed to cancel specified warrants for collection issued against certain charitable, educational and religious institutions, as follows:

Name and Address	Warrant Number and Type of Inspection	Amount
Chicago Child Care Society 5647 South University Avenue	P1-407421 (Fuel Burn. Equip.)	\$50.00
Chicago Youth Centers 611 West Adams Street	P1-4131513 (Fuel Burn. Equip.)	185.00
Grant Hospital 551 West Grant Place	D3-487225 (Sign)	1,425.00
Northwestern Memorial Hospital (Carriage House, 215 East Chicago Avenue)	P1-408121 (Fuel Burn. Equip.)	195.00
Norwegian Old Peoples Home, 6016 North Nina Avenue	R1-401317 (Drwy.)	75.00
Norwood Park Home 6016 N. Nina Avenue	Special Departmental Services Performed	30.00
St. Mary's Square Living Center of Chicago, Incorporated 7270 South Shore Drive	A1-403015 (Elev.) B1-416556 (Bldg.) F4-418225 (Mech. Vent.) P1-402094 (Fuel Burn. Equip.)	46.00 46.00 15.00 95.00
St. Mary of Nazareth Hospital Center 2233 West Division Street	B4-400286 (Inst.)	46.00
Washington and Jane Smith Home, 2340 West 113th Place	A1-409313 (Elev.) F4-422935 (Mech. Vent.)	138.00 162.50
Women's American ORT 2710 West Devon Avenue	D1-413445 (Sign)	43.00

On motion of Alderman Burke, the foregoing proposed substitute order was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

AUTHORITY GRANTED FOR REDUCTION IN ANNUAL LICENSE
FEE FOR SPECIAL POLICEMEN EMPLOYED AT THE
UNIVERSITY OF CHICAGO.

The Committee on Finance submitted a report recommending that the City Council pass the following proposed ordinance transmitted therewith:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Pursuant to Chapter 173, Section 173-6 of the Municipal Code of Chicago, the following charitable institution employs 100 special police and a fee of \$10.00 per license is required for the year 1985:

The University of Chicago,
5801 S. Ellis Avenue.

SECTION 2. This ordinance shall take effect and be in force upon its passage.

On motion of Alderman Burke, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

AUTHORITY GRANTED TO REFUND VARIOUS FEES.

The Committee on Finance submitted a report recommending that the City Council pass the following proposed orders transmitted therewith:

Presbyterian Church of Norwood Park.

Ordered, That the City Comptroller is hereby authorized and directed to refund license fee for a Day Care Center, in the amount of \$75.00, which was paid by the Presbyterian Church of Norwood Park, 5849 North Nina Avenue.

Illinois College of Optometry.

Ordered, That the City Comptroller is hereby authorized and directed to refund \$13,454.96 to the Illinois College of Optometry, 3241 South Michigan Avenue, for the payment of building permit fees on the premises of the college.

St. Bernard's Hospital.

Ordered, That the City Comptroller is hereby authorized and directed to refund \$1,260.00 to the St. Bernard's Hospital, 64th Street and the Dan Ryan Expressway, for special police license fee.

On motion of Alderman Burke, the foregoing proposed orders were *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

AUTHORITY GRANTED FOR SEWER EXEMPTIONS AT
SUNDRY LOCATIONS.

The Committee on Finance submitted a report recommending that the City Council pass the following proposed ordinances transmitted therewith:

*Association of Jewish Blind of Chicago Home and
Recreation Center.*

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Pursuant to Section 185.1-2(a) of the Municipal Code of Chicago, the Commissioner of Sewers and the Commissioner of Water are hereby authorized and directed to exempt the Association of Jewish Blind of Chicago Home and Recreation Center, 3525 W. Foster Avenue, from the first One Thousand Dollars (\$1,000) charge of sewer services in 1984.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

Norwegian Old Peoples Home.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Pursuant to Section 185.1-2(a) of the Municipal Code of Chicago, the Commissioner of Sewers and the Commissioner of Water are hereby authorized and directed to exempt the Norwegian Old Peoples Home, 6016 N. Nina Avenue, from the first One Thousand Dollars (\$1,000) charge for sewer services in 1984.

SECTION 2. This ordinance shall be in force from and after its passage.

On motion of Alderman Burke, the foregoing proposed ordinances were *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schuler, Volini, Orr, Stone -- 48.

Nays -- None.

**Action Deferred -- AMENDMENT OF CHAPTER 29, SECTION 29-5,
OF MUNICIPAL CODE AUTHORIZING PERIOD
FOR WHICH VEHICLE LICENSE MAY BE
PURCHASED AT REDUCED FEE.**

The Committee on Finance submitted the following report which was, on motion of Alderman Kelley and Alderman Frost, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred an ordinance amending the Municipal Code of the City of Chicago, Chapter 29, Section 29-5, authorizing the period for which a vehicle license may be purchased at a reduced fee having had the same under advisement, begs leave to report and recommend that Your Honorable Body Pass the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said proposed ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of the City of Chicago, Chapter 29, Section 29-5 is hereby amended by deleting that language bracketed and adding that language in italics as follows:

.....

The license fee for each vehicle shall be [50%] \$5.00 greater than the amount hereinbefore specified if the license is not purchased before July [1], 15, *unless the City Clerk determines that the failure to purchase the license was due to reasonable cause.*

If such vehicle has been purchased or lawfully acquired by the applicant on or after [December sixteenth] *March 1* of any current year, the fee to be paid shall be a sum equal to one-half of the annual license fee hereinbefore specified as a license fee for the balance of such year. Before any applicant shall be entitled to a pro-rated license as provided for in this section, the said applicant [shall] *may be required to* furnish an affidavit in form satisfactory to the City [Comptroller] *Clerk* stating that the vehicle for which the license is applied for was purchased or otherwise obtained by the applicant on or after [December sixteenth] *March 1* of the current year, and shall exhibit to the City [Comptroller] *Clerk* the bill of sale covering the vehicle for which license is sought. All applicants that do not comply with the requirements for a pro-rated license shall be subject to a full annual license fee.

SECTION 2. This ordinance shall be effective ten (10) days after passage and due publication.

Action Deferred -- SUBMISSION OF URBAN DEVELOPMENT
ACTION GRANT APPLICATION FOR STUDIO
NETWORK, INCORPORATED PROJECT.

The Committee on Finance submitted the following report which was, on motion of Alderman Kelley and Alderman W. Davis, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred an ordinance authorizing the submission of an Urban Development Action Grant application for a project to be constructed by Studio Network, Inc., to be located at 1032-1058 West Washington Street, in the amount of \$1,500,000, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

WHEREAS, In order to develop viable urban communities, the Housing and Community Development Act of 1974, as amended, provides that Urban Development Action Grants are available to cities to help fund development projects which promote decent housing and stimulate private investment in urban communities; and

WHEREAS, The Studio Network, Inc. has proposed to acquire and rehabilitate property at 1032-1058 West Washington Street and 134 North Carpenter Street into a State-of-the-Art Local Origination Facility for the franchises of the areas of Chicago CATV; and

WHEREAS, The proposed project is expected to create 175 new permanent jobs; and

WHEREAS, The City of Chicago through its Department of Planning or City Council Committee on Finance desires to apply for an Urban Development Action Grant in the amount of \$1,500,000 to be used along with private funds in the amount of \$9,232,000 to implement and complete the proposed project; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Commissioner of the Department of Planning or the Chairman of the City Council Committee on Finance is hereby authorized to submit to the United States Department of Housing and Urban Development on behalf of the City of Chicago, an application for an Urban Development Action Grant in the amount of \$1,500,000 for partial funding of the Studio Network, Inc. Project.

SECTION 2. That the Commissioner of the Department of Planning or the Chairman of the City Council Committee on Finance is authorized to act in connection with the application, to give what assurances are necessary and to provide such additional information as may be required by the United States Department of Housing and Urban Development.

SECTION 3. In the event the application is approved, the Commissioner of the Department of Planning or the Chairman of the City Council Committee on Finance is hereby authorized to enter into and execute on behalf of the City of Chicago, an Urban Development Action Grant Agreement with the Department of Housing and Urban Development and any amendments thereto, for the partial funding of the Studio Network, Inc. Project.

SECTION 4. This ordinance shall be effective by and from the date of its passage.

Action Deferred -- CHAPTER 99 OF MUNICIPAL CODE AMENDED
BY ADDING NEW SECTION 99-18.1, ENTITLED
"REIMBURSEMENT FOR REFUSE COLLECTION".

The Committee on Finance submitted the following report which was, on motion of Alderman Kelley and Alderman Frost, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance amending Chapter 99 of the Municipal Code by adding a new Section 99-18.1 entitled "Reimbursement for Refuse Collection", which would give residential condominium and cooperative owners a rebate on the cost of refuse collection, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by 22 members of the committee with 2 dissenting votes.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

WHEREAS, The City of Chicago is a Home Rule Municipality under Article VII Section 6(a) of the Illinois Constitution; and

WHEREAS, All property owners in the City of Chicago pay City of Chicago property taxes; and

WHEREAS, A portion of the City of Chicago real estate tax assessment is used for refuse collection; and

WHEREAS, The City of Chicago provides refuse collection for only those residential buildings with four units or less; and

WHEREAS, Since most condominium and cooperative residential buildings have more than four units, the City of Chicago does not provide refuse collection services for these residential buildings, but yet the owners of units in these buildings pay property taxes which cover the cost of providing refuse collection for residential buildings with four units or less; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 99 of the Municipal Code of the City of Chicago is hereby amended by adding a new Section 99-18.1, entitled "Reimbursement for Refuse Collection" by adding the following language in italics as follows:

SECTION 99-18.1. *The governing association or board of a condominium or cooperative residential building shall submit to the City Clerk, no later than 30 days after the end of each calendar quarter, a notarized statement listing the amount of the quarterly cost incurred for refuse collection for the residential units in the building, the number of residential units in the building, and a copy of the executed agreement with the private scavenger service providing the refuse collection for the residential building. The City Clerk shall transmit this notarized statement to the Committee on Finance.*

After review, the Committee on Finance may recommend that the City Council approve the reimbursement to the governing association or board in an amount equal to the quarterly cost incurred for the refuse collection for the residential units in the building; provided, however, that the aggregate annual amount of the reimbursement paid to a governing association or board shall not exceed an amount equal to the number of residential units in the building multiplied by Seventy-Five Dollars (\$75). During the first year in which the cost of refuse collection is reimbursed, the governing association or board shall submit the bill for the prior year's refuse collection services. The City Council may not reimburse a governing association or board for the cost of refuse collection services which is unreasonable.

In no event shall the governing association or board be reimbursed for that portion of the cost of refuse collection attributable to any commercial or other non-residential unit located in the residential building. After City Council approval of the reimbursement, the City Comptroller shall promptly pay the governing association or board the approved reimbursement.

SECTION 2. This ordinance shall be effective from and after January 1, 1985.

**Action Deferred -- CHAPTER 11 OF MUNICIPAL CODE AMENDED
BY ADDING NEW SECTION 11-48, CONCERNING
APPOINTMENT OF AUXILIARY POLICE.**

The Committee on Finance submitted the following report which was, on motion of Alderman Kelley and Alderman Frost, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance amending Chapter 11 of the Municipal Code by adding a new Section 11-48 entitled "Auxiliary Police", authorizing the appointment of auxiliary police, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by 18 members of the committee with 4 dissenting votes.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

WHEREAS, The City of Chicago is a Home Rule Municipality pursuant to the Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, Chapter 24, Section 3-6-5 of the Illinois Revised Statutes authorizes the appointment of auxiliary police; and

WHEREAS, The rampant increase in crime in the City of Chicago requires immediate attention; and

WHEREAS, The presence of uniformed police will serve to release regular uniformed police volunteers for patrol duty and to lessen the neighborhood fear of crime; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That Chapter 11 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-48 in italics, entitled "Auxiliary Police Persons" as follows:

SECTION 11-48. The Mayor shall appoint, with the advice and consent of the City Council, such number of auxiliary police as the City Council deems necessary. Applications for the position of auxiliary police shall be submitted to the Superintendent of the Chicago Police Department.

All auxiliary police shall be between the ages of 18 and 70, citizens of the United States, residents of the City of Chicago and shall serve on a volunteer basis. No auxiliary policeperson shall have an arrest record. All auxiliary police shall be able to read and write the English language. All auxiliary police shall pass a character investigation and shall be fingerprinted. In addition to the minimum eligibility requirements set forth in this section, the City Council may establish any other requirements for auxiliary police. Such auxiliary police shall not supplement members of the regular Chicago Police Department in the performance of their assigned and normal duties except as herein provided.

Auxiliary police shall be assigned to perform only the following duties: to aid or direct traffic within the municipality; to aid in the control of natural or manmade disasters, to aid in the case of civil disorder as directed by the Superintendent of the Chicago Police Department, provided, that in cases which render it impractical for members of the Chicago Police Department to perform their normal and regular police duties, the Superintendent of Police of the Chicago Police Department is hereby authorized to assign auxiliary police to perform such normal and regular police duties. Auxiliary police shall have the same arrest powers as any other citizen.

Auxiliary police shall wear identification symbols which are different and distinct from those used by members of the Chicago Police Department.

Auxiliary police shall at all times during the performance of their duties be subject to the direction and control of the Superintendent of the Chicago Police Department; except that the Superintendent shall, upon request, assign auxiliary police to a precinct where they work or live.

Prior to entering upon any of their duties, auxiliary police shall receive a course of training in the use of weapons and other police procedures as shall be appropriate in the exercise of the powers conferred upon them under this section. The Superintendent of the Chicago Police Department shall determine and provide for the training procedures of the auxiliary police and shall submit an annual report to the City Council regarding the auxiliary police training procedure and any other activities involving auxiliary police.

The coverage of Workmen's Compensation Law is hereby extended to the activities of auxiliary police during the time any auxiliary policeperson actually is engaged in the activities authorized by this section.

The Annual Appropriation Budget shall provide auxiliary police with a reasonable allowance, as determined by the City Council, for the purchase of uniforms and accessories for auxiliary police.

A volunteer board shall be established to work with the Chicago Police Department in creating and coordinating the activities of auxiliary police. The volunteer board shall consist of at least nine persons, including the Superintendent of the Chicago Police Department, the Superintendent of the Chicago Fire Department, the Chairman of the Committee on Finance, the Chairman of the Committee on Police and Fire, and the Chairman of the Committee on Neighborhoods. The remaining members of the board shall be appointed by the Mayor with the advice and consent of the City Council. The Board shall submit an annual report to the City Council documenting the activities of the auxiliary police during the year.

SECTION 2. This ordinance shall be effective from and after January 1, 1985.

Action Deferred -- 1985 ANNUAL APPROPRIATION ORDINANCE.

The Committee on Finance submitted the following report, which was, on motion of Alderman Roti and Alderman Burke, *Deferred* and ordered published.

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred a report recommending passage of the 1985 Appropriation Ordinance, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by 19 members of the committee with 5 dissenting votes.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

[Proposed 1985 Annual Appropriation Ordinance is printed as an
Addendum to this Journal.]

Action Deferred -- CHAPTER 104.2 OF MUNICIPAL CODE
AMENDED CONCERNING AUTOMATIC
AMUSEMENT DEVICE TAX.

The Committee on Finance submitted the following report which was, on motion of
Alderman Kelley and Alderman Frost, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance amending Chapter
104.2 of the Municipal Code of Chicago, the Automatic Amusement Device Tax, to increase
the tax to \$100 and to clarify who is required to obtain a game room license, having had the
same under advisement, begs leave to report and recommend that Your Honorable Body
Pass the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the
committee with no dissenting votes.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 104.2 of the Municipal Code of Chicago is hereby amended by
deleting the language bracketed and inserting the language in italics, as follows:

104.2-2. An annual tax for each calendar year is imposed upon all Automatic
Amusement Devices operated for gain or profit in the amount of [\$100.00] *\$75.00* per
device commencing January 1, 1977.

104.2-4. It shall be unlawful for the owner, [or] lessee or *manager* of any premises [or
person in control of such premises] to permit the installation or use of an Automatic
Amusement Device within the City of Chicago for gain or profit unless the tax has been
paid and evidenced by a tax emblem affixed to the Automatic Amusement Device. Each
such device shall be plainly labeled with the name, address and telephone number of its
owner.

104.2-9. It is unlawful for any person to install, use or permit the installation or use of six or more Automatic Amusement Device machines at any place unless the [person in control] *owner, lessee or manager* of such place has the premises licensed as a "Public Place of Amusement-Class II-Arcade." The term "arcade" means a place of amusement that includes six or more Automatic Amusement Devices.

104.2-9.1. No person shall operate any arcade or game room in any place within two hundred feet of any church, *synagogue or other house of worship*, hospital, building operated exclusively as a grammar or secondary school, or residential district, unless such place was licensed as an arcade or game room before the establishment of the church, *synagogue or other house of worship*, hospital, educational institution, or zoning district. *The two hundred foot limitation shall be measured from property line to property line.*

SECTION 2. Sections 104.2-9.2 and 104.2-9.3 of Chapter 104.2 of the Municipal Code of Chicago are deleted in their entirety and a new Section 104.2- 9.2 is hereby substituted therefore as follows:

104.2-9.2. No owner, lessee or manager of any property shall operate or manage or permit anyone to operate or manage a game room for gain or profit without first having obtained a license therefor. When used in this chapter, the term "game room" means a building or portion thereof or other place where no fewer than three and no more than five Automatic Amusement Devices, other than pool or billiard tables, are operated or used. Application for such license shall be in accordance with the general provisions of this code relating to licenses. The fee for such license shall be \$100 per year, and shall not be subject to proration.

SECTION 3. Any person who applies for and receives a game room license for 1984, and who prior to May 1, 1984, paid for and received such a license for the same premises pursuant to the ordinances repealed by Section 2 hereof, shall be exempt from payment of an additional license fee for such premises for 1984.

SECTION 4. This ordinance shall be in full force and effect ten days after passage and due publication.

Action Deferred -- MUNICIPAL CODE AMENDED BY
ADDING NEW CHAPTER 200.9 CONCERNING
IMPOSITION OF A CHICAGO LEADED
GASOLINE TAX.

The Committee on Finance submitted the following report which was, on motion of Alderman Kelley and Alderman Smith, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance authorizing the imposition of a Chicago Leaded Gasoline Tax, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of Chicago is hereby amended by adding a new Chapter 200.9, in italics, as follows:

200.9 This Chapter shall be known and cited as the "Chicago Leaded Gasoline Tax Ordinance" and the tax herein imposed shall be known and cited as the "Chicago Leaded Gasoline Tax."

200.9-1.A. For the purposes of this Chapter, when any of the following words or terms are used herein they shall have the meaning or construction ascribed to them in this section:

City: The term "City" shall mean the City of Chicago, Illinois.

Department: The term "Department" or "Department of Revenue" shall mean the Department of Revenue of the City.

Director: The term "Director" or "Director of Revenue" shall mean the Director of Revenue of the City.

Leaded Motor Fuel: The term "Leaded Motor Fuel" shall mean any motor fuel that contains one-half gram or more of tetra ethyl lead, tetra methyl lead or any other lead alkyls, per gallon.

Motor Fuel: The term "Motor Fuel" shall mean all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, operating motor vehicles.

Motor Vehicles: The term "Motor Vehicles" shall mean motor vehicles as defined by "The Illinois Vehicle Code" and watercraft propelled by an internal combustion engine.

Distributor: The term "Distributor" or "Distributor of Leaded Motor Fuel" shall mean any person who either produces, refines, blends, compounds, or manufactures leaded motor fuel in this City, or transports or has transported leaded motor fuel to a location within the City, or receives leaded motor fuel in this City on which this tax has not been paid, or in any way sells leaded motor fuel to a retail dealer for purpose of resale in the

City. However, any person who transports leaded motor fuel into the City for his own use and consumption, and not for sale or resale, shall not be deemed a distributor.

Retail Dealer: The term "Retail Dealer" or "Retail Dealer of Leaded Motor Fuel" shall mean any person who is engaged in the business of selling leaded motor fuel in the City of Chicago to a purchaser for use or consumption and not for resale in any form.

Person: The term "Person" shall mean any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, receiver, trustee, conservator or representative appointed by any court.

Sale: The term "sale" or "resale" or "purchase" or any similar term shall mean any transfer of the ownership or title, or both, including any exchanges or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

200.9-2.A. A tax is hereby imposed upon the privilege of purchasing leaded motor fuel within the City of Chicago at a rate of seven cents per gallon. The tax shall be paid by the purchaser of the leaded motor fuel. The ultimate incidence of and liability for payment of such tax shall be upon such purchaser and nothing in this Chapter shall be construed to impose a tax upon the occupation of distributing or selling leaded motor fuel. The tax herein levied shall be in addition to any and all other taxes. The tax shall be pro-rated in sales of less than a gallon.

B. Except as provided in this Chapter for the collection of the tax herein levied upon the purchase of leaded motor fuel which is in the possession of retail dealers of such leaded motor fuel on the effective date of this Chapter, the tax herein levied shall be collected by each distributor of leaded motor fuel who sells leaded motor fuel to a retail dealer of leaded motor fuel doing business in the City of Chicago.

Any distributor of leaded motor fuel who shall pay the tax levied by this Chapter to the Department of Revenue shall collect the tax from any retail dealer of leaded motor fuel to whom the sale of said leaded motor fuel is made, and any such retail dealer shall in turn then collect the tax from the purchaser of said leaded motor fuel. The tax shall be paid to the person required to collect it as trustee for and on account of the City of Chicago.

If any business selling leaded motor fuel at the retail level shall receive leaded motor fuel upon which no tax has been collected by the distributor, then the retail operator shall collect such tax and remit such tax directly to the Department within thirty (30) days of the receipt of such leaded motor fuel.

C. Distributors of leaded motor fuel doing business on effective date of this Ordinance shall register with the Department of Revenue within thirty (30) days after such effective date. A person becoming a Distributor of leaded motor fuel after the adoption of this Chapter shall register with the Department within thirty (30) days after the commencement of business. Distributors of leaded motor fuel shall file each month with the Department a report of sales of leaded motor fuel in such form as prescribed and furnished by the Department. Such report of sales must be mailed in sufficient time to be postmarked on or before the last day of the month following the month for which return is due. Each report of sales of leaded motor fuel shall be accompanied by a remittance of the appropriate amount of tax applicable to the sales reported. Payment of the tax imposed herein shall be made to the "Department of Revenue."

D. Within 60 days after the effective date of this Chapter, every retail dealer of leaded motor fuel doing business in the City of Chicago shall file with the Department on forms prescribed by it, a sworn inventory of all leaded motor fuel in his possession or control on January 1, 1985. With said inventory the retail dealer shall pay to the Department the taxes due from the sale of all leaded motor fuel which were in such retail dealer's possession on January 1, 1985, and for which the tax herein levied has not been collected on behalf of the City by a distributor of leaded motor fuel.

E. The distributor or retail dealer remitting the tax directly to the Department shall be entitled to a commission of 1% of the tax to be remitted to compensate him for the cost of collection, filing returns and supplying information to the Department upon request, except that no commission shall be allowed for any tax not remitted when due.

F. This tax shall not apply to sales of leaded motor fuel by a distributor to another distributor holding a valid registration certificate or by a distributor to another distributor or a retail dealer whose place of business is outside the City.

200.9-3.A. Any tax not paid or remitted when due shall bear interest of 2% per month, or fraction thereof, until the tax is paid or remitted.

B. In addition to any interest charged, any tax not paid or remitted when due shall subject the person failing to pay or remit such to a 10% late payment penalty, unless a late filing penalty is due as provided in subsection C.

C. In addition to any interest charge, any remittance return not filed when due shall subject the person failing to file such to a 10% late filing penalty calculated upon the total tax liability due for such filing period.

D. Where the failure to pay or remit any tax, or file any return, required under this Chapter on the date prescribed is due to reasonable cause, the penalties provided in subsections B or C of this Section shall not apply.

E. Any payment or return not physically received by the Department by the due date shall be considered late.

200.9-4. The Director is hereby empowered to adopt, promulgate, and to enforce, rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Chapter, including provisions for the re-examination, correction and amendment of all returns. The Director, or any agent or employee designated in writing by him, is hereby authorized to examine the books and records of any distributor or retail dealer during regular business hours, in order to verify the accuracy of any return made, or if no return was made to ascertain the tax imposed by this Chapter.

200.9-5.A. If it shall appear to the Director that any person has violated any provision of this Chapter or any rule or regulation promulgated hereunder, or if the amount of any tax payment is incorrect in that it does not include all taxes payable for such calendar month or period, or if the Director shall find that the collection of any taxes which have accrued but are not yet due will be jeopardized by delay, and declares said taxes to be

immediately due and payable, or if it shall appear to the Director that he has made any final assessment which did not include taxes payable for the periods involved, or if it appears to the Director that any person has, by reason of any act or omission or by operation of law, become liable for the payment of any taxes, interest or penalties not originally incurred by him, the Director may in any of the above events determine and assess the amount of such taxes or deficiency, as the case may be, together with the interest and penalties due and unpaid, and immediately serve notice upon such person of such determination and assessment and make a demand for payment of the tax together with interest and penalties thereon. If the person incurring any such liability has died, such assessment may at the discretion of the Director be made against his personal representatives. Such determination and assessment by the Director shall be deemed a final assessment at the expiration of 20 days from the date of the service of such written notice thereof and demand for payment, unless such person shall have filed with the Director a written protest and a petition for a hearing, specifying its objections thereto, within this 20 day period. Upon the receipt of such petition within the 20 days allowed, the Director shall fix the time and place for a hearing and shall notify the petitioner thereof. The Director may amend his determination and assessment at anytime before it becomes final. In the event of such amendment the person affected shall be given notice thereof and an opportunity to be heard in connection therewith. At any hearing held as herein provided, the determination and assessment that has been made by the Director shall be prima facie correct and the burden shall be upon the protesting person to prove that it is incorrect. Upon the conclusion of such hearing a decision shall be made by the Director either canceling, increasing, modifying or affirming such determination and assessment and notice thereof given to the petitioner. Such notice shall contain a statement by the Director of the cost of the certification of the record computed at the rate of 5 cents per 100 words, which cost shall be charged to the petitioner if the determination or assessment is affirmed. The record shall consist of the notices and demands caused to be served by the Director, the original determination and assessment of the Director, the written protest and petition for hearing, the testimony introduced at such hearing, the exhibits produced at such hearing, or certified copies thereof, the decisions of the Director and such other documents in the nature of pleadings filed in the proceeding.

B. Whenever any person shall fail to pay any tax as herein provided, the City's Corporation Counsel shall, upon the request of the Department, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

C. If the Mayor, after hearing held by or for him, shall find that any person has wilfully evaded payment or remittance of the tax imposed by this Chapter, he may suspend or revoke all City licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing to be held not less than 7 days after notice is given to him of the time and place of the hearing to be held, addressed to him at his last known place of business. Pending notice, hearing and finding, any license issued by the City possessed by said person may be temporarily suspended. Any suspension or revocation of any license shall not release or discharge said person from his civil liability for the payment or collection and remittance of the tax, nor from prosecution for such offense.

200.9-6.A. Every distributor or retail dealer required to collect and remit the tax imposed herein shall keep accurate and complete books and records of his business of selling leaded motor fuel. All such books and records which are required to be kept by this

Chapter shall be kept in the English language and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

B. It shall be presumed that all sales of leaded motor fuel in this City are subject to tax under this Chapter until the contrary is established. The burden of proving that a sale is not taxable hereunder shall be upon the distributor or retail dealer.

200.9-7.A. Whenever it appears that an amount of tax, interest or penalty has been paid in error to the Department of Revenue by the person remitting such tax directly to the Department, whether such amount be paid through a mistake of fact or an error of law other than an error resulting from the tax, any of its provisions or its application being declared invalid or unconstitutional, not later than three years from the date upon which such payment was made, such person may file a claim for credit or refund with the Department on forms provided by said Department for that purpose. No credit or refund shall be allowed for any amount paid by such person unless it appears that he bore the burden of such amount and did not shift the burden to another person, or if he had shifted such burden that he had unconditionally repaid such amount to the person to whom he had shifted such burden.

B. Any credit or refund that is allowed under this Section shall bear interest at the rate of one-half of one percent (1/2%) per month, or any fraction thereof, from the date when the erroneous payment for which credit or refund is being allowed was made to the Department, until a credit memorandum is issued or a refund is paid.

C. A claim for credit or refund shall be considered to have been filed with the Department on the date upon which it is received by the Department, and receipt of any claim for credit or refund filed under this Section shall be acknowledged by the Director or any designated person on his behalf, said receipt to describe the claim in sufficient detail as to identify it, and to state the date upon which the claim was received by the Department.

D. As soon as practicable after a claim for credit or refund is filed, the Director, or his designate, shall examine the same and determine the amount of credit or refund due, if any, and shall issue a Notice of Tentative Determination of Claim and notify the claimant of such determination. If the claimant disagrees with the determination, he shall file a protest and challenge thereto within 20 days after the date of Notice of Tentative Determination of Claim has been mailed to him. Upon receipt of such protest within the 20 days allowed, the Director, or his designate, shall fix the time and place for a hearing thereon, giving notice to the claimant thereof, not less than 7 days prior thereto. At any hearing held as herein provided, the Tentative Determination of Claim shall be prima facie correct and the burden shall be upon the claimant to prove that it is incorrect. Upon the conclusion of the hearing, a decision shall be made by the Director and notice thereof given to the claimant. In the event no protest or challenge to the Tentative Determination of Claim is filed within the 20 day period hereinabove set forth, said notice shall thereafter become and operate as a final determination.

E. The Director may in his discretion issue a letter of credit to a claimant who may be able to use said credit in the foreseeable future, or a refund certificate in lieu of a credit memorandum on application by a person who cannot use said credit, or sell or assign the same. Refund certificates shall be numbered serially as they are issued and shall be paid

in the order of their issuance from funds that are appropriated to the Department for that purpose.

200.9-8. Any officer or employee of any corporation subject to the provisions of this Chapter who has the control, supervision or responsibility of filing returns and making payment or remittance of the amount of tax herein imposed, and who wilfully fails to file such return or to make such payment or remittance to the Department shall be personally liable for such amounts, including interest and penalties thereon, in the event that after proper proceedings for the collection of such amounts, as provided in this Chapter, such corporation is unable to pay such amounts to the Department; and the personal liability of such officer or employee as provided herein shall survive the dissolution of the corporation.

200.9-9. Any distributor or retail dealer required to collect the tax imposed by this Chapter and who sells or transfers his business of selling leaded motor fuel or a major part of the assets of such business, other than a sale of assets (including inventory) in the ordinary and usual course of such business, is required to file a notice of such intended sale or transfer with the Department at least 45 days prior to the date of such sale or transfer, setting forth the name of the seller or transferor, the purchaser or transferee, a description of the property or business sold, the amount of the purchase or transfer price and such other information as the Department may reasonably request. Within 30 days after such sale or transfer, such seller or transferor shall file any remittance returns and pay any tax due and not paid up to the date of sale or transfer. At least 45 days before the sale or transfer referred to above takes place, the purchaser or transferee shall also file a notice of intended sale or transfer with the Department, setting forth the same information as required in the seller's or transferor's notice and further requesting that the Department perform an audit of the seller's or transferor's books and records or to do whatever else is necessary to determine how much tax is due up to the date of sale or transfer. The purchaser's or transferee's notice may be made in conjunction with the seller's or transferor's notice. If the purchaser or transferee fails to file the notice as required herein, the purchaser or transferee shall be personally liable to the Department for the amount of tax, interest and penalty owed by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee. If a notice is filed, the Department shall notify both the seller (or transferor) and the purchaser (or transferee) of the amount to be withheld from the purchase or transfer price to cover all taxes, interest and penalties due under this Chapter and unpaid up to the date of sale or transfer. The purchaser or transferee shall withhold this amount from the purchase or transfer price or if payment of money or property is not involved, he shall withhold the performance that constitutes consideration for the sale or transfer, until the seller or transferor produces a receipt from the Department showing that such tax, interest and penalty had been paid or a certificate from the Department showing no tax is due. The purchaser or transferee is relieved of any duty to withhold from the purchase or transfer price and shall have no liability for tax, interest or penalty due hereunder from the seller or transferor, if the Department fails to notify the purchaser or transferee of such amount claimed due at least five days before the date of such sale or transfer. If the purchaser or transferee is notified by the Department of the amount to be withheld from the purchase or transfer price and does withhold such amount, the purchaser's or transferee's liability for any tax, interest or penalty hereunder shall be limited to the amount withheld. If the purchaser or transferee fails to withhold from the purchase or transfer price the amount requested by the Department, the purchaser or transferee shall be liable for any tax, interest or penalty due in excess of any amount

withheld, but not exceeding the amount of the reasonable value of the property acquired by him. The purchaser or transferee shall pay over to the Department any amount withheld hereunder upon notification of the refusal of the seller or transferor to pay any tax, interest or penalty due hereunder and upon notification of the Department claim against the purchaser or transferee for any such money. Nothing in this section shall be construed to relieve the seller or transferor of his liability for tax, interest and penalty due from him, except that any payments received from the purchaser or transferee as provided herein shall reduce such liability payable to the Department.

200.9-10. The tax herein required to be collected by any distributor or retail dealer of leaded motor fuel pursuant to this Chapter shall constitute a debt owed by such distributor or retail dealer to the City of Chicago.

200.9-11. All proceeds resulting from the imposition of this tax including interest and penalties shall be deposited in the Corporate fund of the City.

200.7-12. Any person found guilty of violating, disobeying, neglecting, or refusing to comply with any of the provisions of this Chapter except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$200.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period, provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1983, Ch. 110, par. 1-101, et seq.). A person who commits repeated offenses in excess of three within any 180-day period may also be punished as committing a misdemeanor by incarceration in the County Jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1983, Ch. 24, par. 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Ill. Rev. Stat. 1983, Ch. 38, pars. 100-1, et seq.) in a separate proceedings. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist, after notification thereof.

200.9-13. If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this Chapter is severable, unless otherwise provided by this Chapter. In particular, but without limitation, each provision creating an exception to or an exemption or exclusion from the imposition of the tax is severable. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

SECTION 2. This ordinance shall be effective ten days after passage and due publication, but no earlier than January 1, 1985.

**Action Deferred -- MUNICIPAL CODE AMENDED BY ADDING
NEW CHAPTER 200.5 CONCERNING CHICAGO
ALCOHOLIC BEVERAGE TAX.**

The Committee on Finance submitted the following report which was, on motion of Alderman Roti and Alderman Burke, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance authorizing the imposition of a Chicago Alcoholic Beverage Tax, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

WHEREAS, The City of Chicago is a home rule unit with power over its own government and affairs, including the power to tax; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of Chicago is hereby amended by deleting in its entirety the text of Chapter 200.5 of the Municipal Code of Chicago and substituting in its place a text in italics as follows:

200.5. This Chapter shall be known and cited as the "Chicago Alcoholic Beverage Tax Ordinance" and the tax herein imposed shall be known as the "Chicago Alcoholic Beverage Tax."

200.5.1. For the purposes of this Chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

City: The term "City" shall mean the City of Chicago, Illinois.

Department: The term "Department" or "Department of Revenue" shall mean the Department of Revenue of the City.

Director: The term "Director" or "Director of Revenue" shall mean the Director of Revenue of the City.

Alcoholic Beverage: The term "alcoholic beverage" includes alcoholic spirits, wine and beer and any liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced

in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume.

Alcoholic Beverage Dealer: The term "Alcoholic Beverage Dealer" shall mean any person who engages in the business of selling alcoholic beverages in the City of Chicago to a purchaser for immediate consumption, and not for resale in any form. If a person is in the business of selling alcoholic beverage both for immediate consumption and not for immediate consumption such a person shall be considered an alcoholic beverage dealer for purposes of this Chapter, and all of his sales will be considered taxable unless he complies with Section 200.5-4.C. of this Chapter.

Alcohol: "Alcohol" shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Spirits: The term "Spirits" shall mean any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes brandy, rum, whisky, gin or other spiritous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Wine: The term "Wine" shall mean any alcohol beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

Beer: The term "Beer" shall mean a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Immediate Consumption: The term "immediate consumption" shall apply to and mean purchases of alcoholic beverages (1) in open containers, (2) in any container or form that is not its original package, or (3) from establishments which provide for, allow or have facilities for the consumption of alcoholic beverages on its premises, except for those sales of alcoholic beverages intended for consumption off the premises of the establishment and actually consumed off such premises, if the requirements of Section 200.5-4.C. of this Chapter are met.

Original Package: The term "original package" shall mean any bottle, flask, jug, can, cask, barrel, kegs, logshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic beverage, to contain and to convey any alcoholic beverage.

Manufacturer: The term "manufacturer" shall mean every brewer, fermenter, distiller, rectifier, blender, processor, bottler or person who fills or refills an original package, whether for himself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic beverages as above defined.

Distiller: The term "Distiller" shall mean a person who distills, ferments, brews, makes, mixes, concocts, processes, blends, bottles or fills an original package with any alcoholic beverage. This definition includes but is not limited to a manufacturer of wine.

Sale: The term "sale" or "purchase" or any similar term shall mean any transfer of ownership or title or both, any exchange or any barter, in any manner or by any means whatsoever for a valuable consideration.

Establishment: The term "establishment" shall mean any building, grounds or other place, or part thereof.

Person: The term "Person" shall mean any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, receiver, trustee, conservator or representative appointed by any court.

B. In this Chapter, unless the context otherwise requires, words in the singular number include the plural, and in the plural include the singular; words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words of the neuter gender may refer to any gender.

200.5-2.A. A tax is hereby imposed on the purchase of alcoholic beverages for immediate consumption from an alcoholic beverage dealer. Such tax is to be paid by the purchaser and nothing in this Chapter shall be construed to impose a tax upon the occupation of alcoholic beverage dealers. This tax shall be levied according to the following schedule:

- (1) Wines containing 14% or less alcohol by volume, a tax at the rate of one cent per ounce.*
- (2) Wines containing more than 14% alcohol by volume, a tax at the rate of two cents per ounce.*
- (3) Alcohol and spirits, a tax at the rate of five cents per ounce.*
- (4) Beer, a tax at the rate of one-half cent per ounce.*

The tax rates stated above shall be pro rated in sales involving a fraction of an ounce, and shall be rounded down to the nearest cent when less than one-half a cent is due and rounded up to the nearest cent when one-half a cent or more is due.

B. The ultimate incidence of and liability for payment of the tax herein levied is to be borne by the purchaser of said alcoholic beverage. The tax herein levied shall be in addition to any and all other taxes authorized by law.

C. The tax imposed herein shall be collected from the purchaser by the Alcoholic Beverage dealer at the time of the sale and remitted to the City on a quarterly basis, with the tax due for the months of January, February and March of each year by April 30 of that year, for the months of April, May and June of each year by July 31 of that year, for the months of July, August and September of each year by October 31 of that year, and for the months of October, November and December of each year by January 31, of the following year. A remittance return shall accompany each remittance of tax. The format of the remittance return shall be prescribed by the Director of Revenue, and such return shall include the number of ounces sold for each tax category of alcoholic beverage, the beginning and ending inventory and all purchases by the Alcoholic Beverage Dealer by ounces for each tax category of alcoholic beverage sold, and any other reasonable

information the Director deems necessary. The remittance return shall be filed and signed by the alcoholic beverage dealer under penalty as provided in Section 200.5-13 of this Chapter.

D. The failure of the alcoholic beverage dealer to collect the tax herein imposed shall not relieve the purchaser of his duty to pay it. If the alcoholic beverage dealer fails to collect the tax the purchaser shall be required to pay it directly to the Department in the same manner, and form as the alcoholic beverage dealers.

E. Except as provided in this Section, the alcoholic beverage dealer filing the return under this Chapter shall, at the time of filing such return, remit to the Department the amount of tax imposed by this Chapter less a commission of 2% or \$5.00 per calendar year, whichever is greater, which is allowed to reimburse the alcoholic beverage dealer for the expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax, and supplying data to the Department upon request. However, the commission shall not be allowed for any taxes not remitted when due.

F. This tax shall not apply to purchases of alcoholic beverages wherein the purchaser is a passenger on an interstate carrier; nor shall this tax apply to the extent it would violate the United States Constitution or the Constitution of the State of Illinois.

200.5-3.A. Any tax not paid or remitted when due shall bear interest of 2% per month, or fraction thereof, until the tax is paid or remitted.

B. In addition to any interest charged, any tax not paid or remitted when due shall subject the person failing to pay or remit such to a 10% late payment penalty, unless a late filing penalty is due as provided in subsection C. below. This penalty shall be calculated upon the amount of tax underpaid or underremitted.

C. In addition to any interest charge, any remittance return not filed when due shall subject the person failing to file such to a 10% late filing penalty calculated upon the total tax liability due for such filing period.

D. Where the failure to pay or remit any tax, or file any return, required under this Chapter on the date prescribed is due to reasonable cause, the penalties provided in subsections B or C of this Section shall not apply.

E. Any payment or return not physically received by the Department by the due date shall be considered late.

200.5-4.A. All alcoholic beverage dealers who make sales of alcoholic beverages within the City of Chicago shall be required to register with the Department within 30 days of the later of the effective date of this Chapter or the date they first started such business.

B. Every alcoholic beverage dealer subject to this Chapter shall keep accurate and complete books and records of his business which will include records of all sales of alcoholic beverages, quarterly inventories, and other pertinent papers and documents. All such books and records which are required to be kept by this Chapter shall be kept in the English language and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

C. It shall be presumed that all sales of alcoholic beverages from a alcoholic beverage dealer are subject to tax under this Chapter until the contrary is established. The burden of proving that such is not taxable hereunder shall be upon the alcoholic beverage dealer and taxpayer. Unless a alcoholic beverage dealer, who sells alcoholic beverages both for immediate consumption and not for immediate consumption segregates at the time of the sale his not for immediate consumption sales from his immediate consumption sales and keeps accurate and complete books and records of such, all sales by such alcoholic beverage dealer shall be considered taxable.

200.5-5. The Director is hereby empowered to adopt, promulgate, and to enforce, rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Chapter, including provisions for the re-examination, correction and amendment of all returns. The Director, or any agent or employee designated in writing by him, is hereby authorized to examine the books and records of any alcoholic beverage dealer during regular business hours, in order to verify the accuracy of any return made, or if no return was made to ascertain the tax imposed by this Chapter.

200.5-6. If it shall appear to the Director that any person has violated any provision of this Chapter or any rule or regulation promulgated hereunder, or if the amount of any tax payment or remittance is incorrect in that it does not include all taxes payable for such calendar quarter or period, or if the Director shall find that the collection of any taxes which have accrued but are not yet due will be jeopardized by delay, and declares said taxes to be immediately due and payable, or if it shall appear to the Director that he has made any final assessment which did not include taxes payable for the periods involved, or if it appears to the Director that any person has, by reason of any act or omission or by operation of law, become liable for the payment of any taxes, interest or penalties not originally incurred by him, the Director may in any of the above events determine and assess the amount of such taxes or deficiency, as the case may be, together with the interest and penalties due and unpaid, and immediately serve notice upon such person of such determination and assessment and make a demand for payment of the tax together with interest and penalties thereon. If the person incurring any such liability has died, such assessment may at the discretion of the Director be made against his personal representative. Such determination and assessment by the Director shall be deemed a final determination and assessment at the expiration of 20 days from the date of the service of such written notice thereof and demand for payment, unless such person shall have filed with the Director a written protest and a petition for a hearing, specifying its objections thereto within this 20 day period. Upon the receipt of such petition within the 20 days allowed, the Director shall fix the time and place for a hearing and shall notify the petitioner thereof. The Director may amend his determination and assessment at anytime before it becomes final. In the event of such amendment the person affected shall be given notice thereof and an opportunity to be heard in connection therewith. At any hearing held as herein provided, the determination and assessment that has been made by the Director shall be prima facie correct and the burden shall be upon the protesting person to prove that it is incorrect. Upon the conclusion of such hearing a decision shall be made by the Director either canceling, increasing, modifying or affirming such determination and assessment and notice thereof given to the petitioner. Such notice shall contain a statement by the Director of the cost of the certification of the record computed at the rate of 5 cents per 100 words, which cost shall be charged to the petitioner if the determination or assessment is affirmed. The record shall consist of the notices and demands caused to be served by the Director, the original determination and assessment of the Director, the

written protest and petition for hearing, the testimony introduced at such hearing, the exhibits produced at such hearing, or certified copies thereof, the decisions of the Director and such other documents in the nature of pleadings filed in the proceeding.

B. Whenever any person shall fail to pay any tax as herein provided, the City's Corporation Counsel shall, upon the request of the Department, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

C. If the Mayor, after hearing held by or for him, shall find that any person has wilfully evaded payment or remittance of the tax imposed by this Chapter, he may suspend or revoke all City licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing to be held not less than 7 days after notice is given to him of the time and place of the hearing to be held, addressed to him at his last known place of business. Pending notice, hearing and finding, any license issued by the City possessed by said person may be temporarily suspended. Any suspension or revocation of any license shall not release or discharge said person from his civil liability for the payment or collection and remittance of the tax, nor from prosecution for such offense.

200.5-7.A. Whenever it appears that an amount of tax, interest or penalty has been paid in error to the Department of Revenue by the person remitting such tax directly to Department, whether such amount be paid through a mistake of fact or an error of law other than an error resulting from the tax, any of its provisions or its application being declared invalid or unconstitutional, not later than three years from the date upon which such payment was made, such person may file a claim for credit or refund with the Department on forms provided by said Department for that purpose. No credit or refund shall be allowed for any amount paid by such person unless it appears that he bore the burden of such amount and did not shift the burden to another person or if he had shifted such burden that he had unconditionally repaid such amount to the person to whom he had shifted such burden.

B. Any credit or refund that is allowed under this Section shall bear interest at the rate of one-half of one percent (1/2%) per month, or any fraction thereof, from the date when the erroneous payment for which credit or refund is being allowed was made to the Department, until a credit memorandum is issued or a refund is paid.

C. A claim for credit or refund shall be considered to have been filed with the Department on the date upon which it is received by the Department, and receipt of any claim for credit or refund filed under this Section shall be acknowledged by the Director or any designated person on his behalf, said receipt to describe the claim in sufficient detail as to identify it, and to state the date upon which the claim was received by the Department.

D. As soon as practicable after a claim for credit or refund is filed, the Director, or his designate, shall examine the same and determine the amount of credit or refund due, if any, and shall issue a Notice of Tentative Determination of Claim and notify the claimant of such determination. If the claimant disagrees with the determination, he shall file a protest and challenge thereto within 20 days after the date of Notice of Tentative Determination of Claim has been mailed to him. Upon receipt of such protest within the

20 days allowed, the Director, or his designate, shall fix the time and place for a hearing thereon, giving notice to the claimant thereof, not less than 7 days prior thereto. At any hearing held as herein provided, the Tentative Determination of Claim shall be prima facie correct and the burden shall be upon the claimant to prove that it is incorrect. Upon the conclusion of the hearing, a decision shall be made by the Director and notice thereof given to the claimant. In the event no protest or challenge to the Tentative Determination of Claim is filed within the 20 day period hereinabove set forth, said notice shall thereafter become and operate as a final determination.

E. The Director may in his discretion issue a letter of credit to a claimant who may be able to use said credit in the foreseeable future, or a refund certificate in lieu of a credit memorandum on application by a person who cannot use said credit, or sell or assign the same. Refund certificates shall be numbered serially as they are issued and shall be paid in the order of their issuance from funds that are appropriated to the Department for that purpose.

200.5-8. Whenever notice is required by this Chapter, such notice may be given by United States registered or certified mail, addressed to the person concerned at his last known address, and proof of such mailing shall be sufficient for the purposes of this Chapter. Notice of any hearing provided for by this Chapter shall be so given not less than 7 days prior to the day fixed for the hearing. Following the initial contact of a person represented by an attorney, the Department shall not contact the person concerned but shall only contact the attorney representing the person concerned.

All hearing provided for in this Chapter shall be at the Department's office.

200.5-9. Any officer or employee of any corporation subject to the provisions of this Chapter who has the control, supervision or responsibility of filing returns and making payment of or remitting the amount of tax herein imposed and who wilfully fails to file such return or to make such payment or remittance to the Department shall be personally liable for such amounts, including interest and penalties thereon, in the event that after proper proceedings for the collection of such amounts, as provided in this Chapter, such corporation is unable to pay such amounts to the Department; and the personal liability of such officer or employee as provided herein shall survive the dissolution of the corporation.

200.5-10. Any alcoholic beverage dealer subject to the tax imposed by this Chapter who sells or transfers his business of selling alcoholic beverage for immediate consumption or a major part of the assets of such business, other than a sale of assets (including inventory) in the ordinary and usual course of such business, is required to file a notice of such intended sale or transfer with the Department at least 45 days prior to the date of such sale or transfer, setting forth the name of the seller or transferor, the purchaser or transferee, a description of the property or business sold, the amount of the purchase or transfer price and such other information as the Department may reasonably request. Within 30 days after such sale or transfer, such seller or transferor shall file any remittance returns and pay any tax due and not paid up to the date of sale or transfer. At least 45 days before the sale or transfer referred to above takes place, the purchaser or transferee shall also file a notice of intended sale or transfer with the Department, setting forth the same information as required in the seller's or transferor's notice and further requesting that the Department perform an audit of the seller's or transferor's books and records or to do whatever else is necessary to determine how much tax is due up to the date of sale or

transfer. The purchaser's or transferee's notice may be made in conjunction with the seller's or transferor's notice. If the purchaser or transferee fails to file the notice as required herein, the purchaser or transferee shall be personally liable to the Department for the amount of tax, interest and penalty owed by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee. If a notice is filed, the Department shall notify both the seller (or transferor) and the purchaser (or transferee) of the amount to be withheld from the purchase or transfer price to cover all taxes, interest and penalties due under this Chapter and unpaid up to the date of sale or transfer. The purchaser or transferee shall withhold this amount from the purchase or transfer price or if payment of money or property is not involved, he shall withhold the performance that constitutes consideration for the sale or transfer, until the seller or transferor produces a receipt from the Department showing that such tax, interest and penalty had been paid or a certificate from the Department showing no tax is due. The purchaser or transferee is relieved of any duty to withhold from the purchase or transfer price and shall have no liability for tax, interest or penalty due hereunder from the seller or transferor, if the Department fails to notify the purchaser or transferee of such amount claimed due at least five days before the date of such sale or transfer. If the purchaser or transferee is notified by the Department of the amount to be withheld from the purchase or transfer price and does withhold such amount, the purchaser's or transferee's liability for any tax, interest or penalty hereunder shall be limited to the amount withheld. If the purchaser or transferee fails to withhold from the purchase or transfer price the amount requested by the Department, the purchaser or transferee shall be liable for any tax, interest or penalty due in excess of any amount withheld, but not exceeding the amount of the reasonable value of the property acquired by him. The purchaser or transferee shall pay over to the Department any amount withheld hereunder upon notification of the refusal of the seller or transferor to pay any tax, interest or penalty due hereunder and upon notification of the Department claim against the purchaser or transferee for any such money. Nothing in this section shall be construed to relieve the seller or transferor of his liability for tax, interest and penalty due from him, except that any payments received from the purchaser or transferee as provided herein shall reduce such liability payable to the Department.

200.5-11. All proceeds resulting from the imposition of this tax including interest and penalties shall be deposited in the Corporate fund of the City.

200.5-12. Any tax required to be collected by an alcoholic beverage dealer pursuant to this Ordinance and any tax collected by such alcoholic beverage dealer, shall constitute a debt owed by such alcoholic beverage dealer to the City.

200.5-13. Any person found guilty of violating, disobeying, neglecting, or refusing to comply with any of the provisions of this Chapter except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$200.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period, provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1983, Ch. 110, par. 1-101, et seq.). A person who commits repeated offenses in excess of three within any 180-day period may also be punished as committing a misdemeanor by incarceration in the County Jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1983, Ch. 24, par. 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Ill. Rev. Stat. 1983,

Ch. 38, pars. 100-1, et seq.) in a separate proceedings. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist, after notification thereof.

200.5-14. If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this Chapter is severable, unless otherwise provided by this Chapter. In particular, but without limitation, each provision creating an exception to or an exemption or exclusion from the imposition of the tax is severable. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

SECTION 2. This ordinance shall be effective ten days after passage and due publication, but no earlier than January 1, 1985.

Action Deferred -- CHAPTER 200.3 OF MUNICIPAL
CODE AMENDED, CONCERNING CHICAGO
EMPLOYERS' EXPENSE TAX.

The Committee on Finance submitted the following report which was, on motion of Alderman Kelley and Alderman Frost, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance amending Chapter 200.3 of the Municipal Code of Chicago, the Chicago Employers' Expense Tax (Head Tax), to narrow the exemption for not-for-profit organizations and to make certain technical amendments to the Chapter, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 200.3 of the Municipal Code of Chicago is hereby amended by deleting the language bracketed and inserting the language in italics as follows:

200.3-1. Definitions and Constructions. For the purposes of this Chapter, when any of the following words or terms are used herein, they shall have the meaning and construction ascribed to them in this Section:

- G. Employee. The term "Employee" shall mean and include any individual permitted to work for remuneration by any employer in any activity, enterprise, profession, trade or undertaking of any nature conducted or engaged in, or ordinarily conducted or engaged in, with the object of gain, benefit, or advantages, whether direct or indirect, to the taxpayer or to another or others. For purposes of this Chapter, said term excludes any individual performing:

4. Services in the employ of [a not-for-profit organization and] any organization described in Sections 501(c), 501(d), 401(c) of Title 26 of the United States Code, as qualified by Sections 502 and 503 of said Title 26, unless such organization normally, annually, receives unrelated business income in excess of fifty percent (50%) of its total income. For purposes of this ordinance, unrelated business income shall have the meaning set forth in Sections 511, 512, 513, 514 and 515 of Title 26 of the United States Code.

- H. Full-Time Employee. The term "Full-Time Employee" shall mean an individual who earns or to whom are accrued wages from employment of at least \$900 in any calendar quarter of a year, [or an individual who is employed for some portion of a day within each of eight (8) or more calendar weeks within said calendar quarter,] from or for the same employer who is subject to the tax imposed by this chapter.

200.3-2. Employers' Expense Tax. A. A tax is hereby imposed upon every employer who, in connection with his business, engages, hires, employs or contracts with, fifteen (15) or more individuals as commission merchants and full-time employees, or any combination thereof, to perform work or render services in whole or in part within the City of Chicago on and after January 1, 1974. The amount of such tax shall be Five Dollars (\$5.00) per month for each commission merchant and full-time employee, to whom commission or employment compensation is paid or to whom such commission or compensation has accrued, or is shown as a business expense taken under the United States, or State of Illinois income taxes as a cost of doing business or under accounting practices acceptable for said tax purposes to the United States or Illinois state governments. The incidence of this tax shall be upon the employer alone as an employee's expense tax and shall not be transferred directly or indirectly to the commission merchant or full-time employee under any circumstances.

- D. *The tax is due for each calendar quarter the employer has fifteen or more full-time employees or commission merchants, or combination thereof, at any time during*

said quarter except that for any month within said quarter the employer's number of full-time employees or commission merchants, or combination thereof, falls below fifteen then no tax shall be due for that month.

200.3-4. Payments, Returns and Extensions of Time. A. The taxes herein imposed shall become due and payable for the preceding calendar quarter on [January 1st, April 1st, and October 1st of each year] *the last day of the month following said calendar quarter* and shall be considered [become] delinquent if not paid on or before *such date* [the 20th day following the date due and payable]. Each employer subject to the tax herein imposed shall execute and file an employers' expense tax return, on forms prepared for that purpose by the Department of Revenue, concurrently with the payment of taxes imposed herein.

200.3-5. Interest and Penalties. All taxes imposed by this ordinance and remaining unpaid after delinquency, including any deficiency in the payment of taxes, shall bear interest at the rate of [one] *two* percent [(1%)] (2%) per month, or fraction thereof, and the delinquent taxpayer shall be liable for said tax and interest and, in addition thereto, unless the Director of Revenue determines that the delinquency is not due to any fault on the part of the taxpayer, the said delinquent taxpayer shall be liable for a late payment penalty of ten percent (10%) of the amount of the underpayment.

SECTION 2. Section 200.3-9 B of Chapter 200.3 of the Municipal Code of Chicago is deleted in its entirety.

SECTION 3. This ordinance shall be effective ten days after passage and due publication.

Action Deferred -- REPROGRAMMING OF COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS YEAR IX.

The Committee on Finance submitted the following report which was, on motion of Alderman Hagopian and Alderman Mell, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred a resolution authorizing the reprogramming of Community Development Block Grant funds from the Year IX Urban Renewal Acquisition, Demolition and Site Improvement programs to the Year IX Urban Renewal Relocation program in the amount of \$858,618 for reprogramming, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed resolution transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said resolution transmitted with the foregoing committee report:

WHEREAS, The City Council of the City of Chicago passed an Ordinance on June 6, 1984, establishing procedures for the Community Development Block Grant Program which required that the City shall not reprogram funds in excess of \$7,500 appropriated for any object or purpose set forth in the C.D.B.G. Appropriation Ordinance or allocations from prior block grant years without the approval of the City Council; and

WHEREAS, The Department of Housing has re-evaluated the priority and funding needs of the original projects within the Year IX Urban Renewal Program and requests a reprogramming of funds among the Year IX Urban Renewal activities to make the most effective use of the funds; and

WHEREAS, The City deems it desirable to reallocate the Community Development Block Grant funds among the various Urban Renewal Program activities to allow the program to be carried out efficiently; now, therefore,

Be It Resolved by the City Council of the City of Chicago:

SECTION 1. The Acquisition Program be decreased by \$518,518 from \$3,136,049 to \$2,617,531.

SECTION 2. The Demolition Program be decreased by \$188,600 from \$591,200 to \$402,600.

SECTION 3. The Relocation Program be increased by \$858,618 from \$1,460,381 to \$2,318,999.

SECTION 4. The Site Improvement Program be decreased by \$151,500 from \$2,151,500 to \$2,000,000.

SECTION 5. This resolution shall be effective from and after its passage.

Action Deferred -- CHAPTER 104 OF MUNICIPAL CODE
AMENDED CONCERNING EXPANSION OF TAX
TO INCLUDE SUBSCRIPTION AND
CABLE TELEVISION.

The Committee on Finance submitted the following report which was, on motion of Alderman Frost and Alderman Kelley, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance amending Chapter 104 of the Municipal Code of Chicago, the Chicago Amusement Tax, to provide for an expansion of the tax to subscription and cable television, and an elimination of most exemptions and certain technical amendments, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of the City of Chicago, Chapter 104, is hereby amended by deleting the language contained in brackets and adding the language in italics below as follows:

104-1. As used in this ordinance:

The word "amusement" means, (1) any theatrical, dramatic, musical or spectacular performance, motion picture show, flower, poultry or animal show, animal act, circus, rodeo, athletic contest, sport, game or similar exhibition for public entertainment, including, without being limited to, boxing, wrestling, skating, dancing, swimming, racing or riding on animals or vehicles, baseball, basketball, softball, football, tennis, golf, hockey, track and field games, bowling, billiard and pool games; (2) any entertainment offered for the public participation, including, without being limited to, dancing, carnival, amusement park rides and games, bowling, billiard and pool games; (3) *any transmission or broadcast of programs by means of wire, radiowaves, microwaves or otherwise for public entertainment, including, but not limited, to transmissions or broadcasts by a cable television or subscription television service.*

104-2. A [city] City amusement tax is imposed upon the patrons of any amusements within the [city] City [,excepting automatic amusement machines,] of an amount equal to four percent of the [receipts from] admission fees or other charges [, exclusive of federal and state taxes,] to witness, *to view* or to participate in such amusements; provided, however, that [said] *any tax imposed under this Chapter shall not apply to patrons of automatic amusement machines as defined in Chapter 104.2 of the Municipal Code of Chicago, or be imposed upon the privilege of witnessing or participating in any stock show or business show which is not open to the general public, or, except as limited below, be imposed upon the privilege of witnessing or participating in any amusement sponsored or conducted by and the proceeds of which, after payment of reasonable expenses, inure exclusively to the benefit of:*

(1) religious, educational and charitable institutions, societies or organizations;

(2) societies or organizations for the prevention of cruelty to children or animals;

(3) societies or organizations conducted for the sole purpose of maintaining symphony orchestras, opera performances and artistic presentations, including, but not limited to, musical presentations, and receiving substantial support from voluntary contributions;

(4) societies or organizations conducted and maintained for the purpose of civic improvement;

(5) fraternal organizations, Legion posts, social and political groups which conduct amusements, sponsored occasionally but not oftener than twice yearly for periods not longer than thirty days;

Provided, however, that no part of the net earnings under paragraphs (1) to (5) inure to the benefit of any shareholder or person.

(6) organizations or persons in the armed services of the United States, or National Guard organizations, reserve officers' associations, or organizations or posts of war veterans, or auxiliary units or societies of such posts or organizations, if such posts, organizations, units or societies are organized in the State of Illinois, and if no part of their earnings inure to the benefit of any private shareholder or person;

(7) organizations or associations created and maintained for the purpose of benefiting the members, dependents or heirs of members of the police or fire departments of any political subdivision of the State of Illinois.

Provided, however, that said tax shall not apply to or be imposed upon the receipts of motion picture shows where the admission fees do not exceed ninety cents per single admission; and in the case of motion picture shows, where in whole or in part, the admission fees exceed ninety cents per single admission, said tax shall apply to and be imposed upon that portion of the receipts in excess of ninety cents per single admission derived from admission fees in excess of ninety cents. The exemption provided herein shall apply only to motion picture shows which exhibit motion pictures exclusively.

Provided, further, that said tax shall not apply to or be imposed upon the gross receipts of resident professional theatre companies.

A resident professional theatre company, as used in this ordinance, is hereby defined as being any society, organization, association, corporation or person advancing the cultural interests of the City of Chicago through the local production of live theatrical and dramatic presentations to a seated audience in any auditorium or theatre whose maximum seating capacity, including all balconies, is not more than seven hundred fifty (750) persons.

Provided, further, that in the case of any amusement for which exemption from payment of amusement tax is provided under any of the above classifications, written application for such exemption shall be filed with the City Comptroller *by the person or persons required to collect the tax*, on forms prescribed by [him] *the Director of Revenue* at least 15 days prior to the holding of such performance or event. *Failure to apply for such exemption shall make such amusement taxable, notwithstanding any other provision of*

this Chapter, unless the Director of Revenue determines that such failure was not due to any fault on the part of the person or persons required to collect the tax.

For the purpose of determining the amount of the amusement tax due under this section, admission fees or other charges shall be computed exclusive of *this tax and any federal and state taxes imposed upon the amusement patron.*

It is unlawful, for any person to produce, present or conduct any such amusements, [for gain or profit,] without collection of the tax. *All taxes imposed by this Chapter and remaining unpaid after they are due shall bear interest at the rate of 2% per month, or fraction thereof, and the person required to remit such tax shall be liable for said tax and interest and, in addition thereto, unless the Director of Revenue determines that the failure to remit such tax is not due to any fault on the part of the person required to remit the tax, such person shall be liable for a late payment penalty of 10% of the amount of the underpayment.*

104-3. It shall be the duty of every owner, manager or operator of an amusement[s] or of a place where an amusement is being held to secure said tax from the patron and [pay over] *remit such tax* to the Director of Revenue not later than the [tenth] *last* day of each calendar month for all admission [receipts] *fees or other charges received* during the preceding calendar month, excepting upon amusements produced, presented or conducted in a public place of amusement under a term license issued pursuant to Section 104.1-9 of this Code, in which case the tax shall be [paid] *remitted* each day. A verified statement of such [receipts] *admission fees or charges* in the form prescribed from time to time by the [City Comptroller] *Director of Revenue* shall accompany the [payment] *remittance*. Acceptance by the City of any amount tendered in payment of the tax shall be without prejudice to any claim, demand or right on account of any deficiency. Cancelled admission tickets and complete and accurate records, [book] *books*, and accounts in detail of all such receipts shall be kept at the place of amusement or such other place in the City as may be designated in writing by the person liable for collection of the tax addressed to the [City Comptroller] *Director of Revenue* and the [City Comptroller] *Director of Revenue* or some person appointed therefor by him shall have access to the place of amusement and to the cancelled admission tickets, records, books and accounts at all reasonable times for audit. *Every owner, manager or operator referred to herein which is required to collect the tax imposed by this Chapter shall be considered a tax collector for the City.* All amusement tax collected [by owners, managers or operators of amusements] shall be [collected and] *held by such tax collector* as trustee for and on behalf of the City of Chicago. *The failure of the tax collector to collect the tax herein imposed shall not excuse or release the patron from his obligation to pay the tax.*

SECTION 2. If any provision, clause, sentence, paragraph, section, or part of this ordinance, or application thereof to any person or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and it is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted even if such unconstitutional

invalid provision, clause, sentence, paragraph, section or part thereof had not been included.

SECTION 3. This ordinance shall be effective January 1, 1985.

Action Deferred -- CHAPTER 101 OF MUNICIPAL CODE AMENDED
CONCERNING ESTABLISHMENT OF GENERAL BUSINESS
LICENSE AND PENALTIES FOR FAILURE TO
OBTAIN SAME.

The Committee on Finance submitted the following report which was, on motion of Alderman Frost and Alderman Kelley, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred, an ordinance authorizing the establishment of a general business license and imposing additional penalties for failure to obtain a license, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 101 of the Municipal Code of Chicago is hereby amended by deleting the language bracketed and inserting the language in italics below as follows:

101-1. It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage a business or occupation for which a license is required by any provision of this Code, *including Section 101-1.1 below*, without a license first having been procured for such business or occupation. Any person violating this section shall be fined not less than [ten], *twenty* dollars nor more than two hundred dollars for each offense, and every day such violation continues shall constitute a separate and distinct offense. *In addition, any person who continues to violate this section after notification of such violation may be punished as committing a misdemeanor by incarceration in the County Jail for a term not to exceed six months under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.*

Any business or occupation for which a license is required under Section 101-1.1 below or any other provision of this code, and to which no license to operate for the period in question has been issued, may be closed by the Director of Revenue until such license is procured, except that if the license not procured is a renewal license and the prior license for such business or occupation had terminated less than one year prior to any issuance of a notice of violation, the Director of Revenue shall be required to issue a 30 day notice of violation before the closure may take place.

101-1.1 All persons who conduct, engage in, maintain, operate, carry on, or manage a business or occupation for which a license is not required under any other provision of this code, other than those businesses or occupations which are exempt from City licensing pursuant to law, shall be required to register with the Department of Revenue of the City and obtain a general business license for such business or occupation. The license fee for said license shall be \$25.00 per calendar year. All such businesses or occupations licensed hereunder or under any other provision of this code shall provide the following information to the Department of Revenue (1) the names of the owners (excepting stockholders who own less than 25% of the voting shares) general partners and officers of the business or occupation, where applicable, (2) the addresses of all offices of such business or occupation located within the City, (3) a brief description of the nature of the business or occupation conducted, (4) the number of employees, whether compensated or not, employed by such business or occupation, (5) notification of any bankruptcy proceedings instituted by the business or occupation within 30 days of filing such proceedings, and (6) any other information as may be required by the Director of Revenue for the protection of the public health, safety or welfare of the patrons of such businesses or occupations, their employees and the general public.

SECTION 2. If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this ordinance is severable.

SECTION 3. This ordinance shall be effective ten days after passage and publication but no earlier than January 1, 1985.

**Action Deferred -- CHAPTER 185 OF MUNICIPAL
CODE AMENDED CONCERNING RATE FOR
WATER SERVICE.**

The Committee on Finance submitted the following report which was, on motion of Alderman Frost and Alderman Kelley, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred an ordinance amending Chapter 185, Sections 185-26, 185-27, 185-28 and 185-30 of the Municipal Code of the City of Chicago regarding the rate for water service having had the same under advisement, begs leave to

report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of the City of Chicago, Chapter 185, is hereby amended by deleting the language contained in brackets and adding the language in italics below as follows:

185-26. The minimum amount to be charged for water service to any building, structure or premises fronted by a public street, in or to which such building, structure or premises any water supply is laid, but excepting such service as is wholly controlled by meter, shall be as follows:

	Per Annum	
For buildings having a front width of 12 feet or less	~~\$(22.40)~~	<i>24.56</i>
For buildings have a front width:		
Exceeding 12 feet but not exceeding 15 feet	~~[30.80]~~	<i>33.57</i>
Exceeding 15 feet but not exceeding 18 feet	~~[42.10]~~	<i>45.88</i>
Exceeding 18 feet but not exceeding 21 feet	~~[50.90]~~	<i>55.48</i>
Exceeding 21 feet but not exceeding 24 feet	~~[53.90]~~	<i>58.75</i>
Exceeding 24 feet but not exceeding 27 feet	~~[62.40]~~	<i>68.01</i>
Exceeding 27 feet but not exceeding 30 feet	~~[73.40]~~	<i>80.00</i>
Exceeding 30 feet but not exceeding 33 feet	~~[81.40]~~	<i>88.72</i>
Exceeding 33 feet but not exceeding 36 feet	~~[84.70]~~	<i>92.32</i>
Exceeding 36 feet but not exceeding 40 feet	~~[98.50]~~	<i>107.36</i>
Exceeding 40 feet but not exceeding 44 feet	~~[104.80]~~	<i>114.23</i>
Exceeding 44 feet but not exceeding 48 feet	~~[113.00]~~	<i>123.17</i>

	Per Annum	
Exceeding 48 feet but not exceeding 52 feet	[121.70]	132.65
Exceeding 52 feet but not exceeding 56 feet	[130.00]	141.70
Exceeding 56 feet but not exceeding 62 feet	[138.80]	151.29
Exceeding 62 feet but not exceeding 67 feet	[143.90]	156.85
Exceeding 67 feet but not exceeding 72 feet	[152.50]	166.22
Exceeding 72 feet but not exceeding 77 feet	[161.00]	175.49
Exceeding 77 feet but not exceeding 82 feet	[169.60]	184.86
Exceeding 82 feet but not exceeding 87 feet	[180.80]	197.07

For each additional five feet, or major fraction thereof, in excess of 87 feet a charge of [eight dollars and sixty cents (\$8.60)] *nine dollars and thirty-seven cents (\$9.37)* shall be made.

Wings, bays, or projections of a depth not greater than seventy-five percent of the depth of the main portion of the structure shall have but one-half of their front width included in computing the front width of the building.

In applying the aforesaid schedule to buildings, structures or premises where the outline is as a right-angle triangle, only two-thirds of the measurement of the base of such triangular outline shall be taken as the front width.

Where the measurement of the front width of a building of rectangular outline is greater than the measurement of its depth, the measurement of such depth may be taken instead of the measurement of the front width in applying schedule of frontage charge.

For each story in height of building in excess of one story, a charge of [thirteen dollars and seventy cents (\$13.70)] *fourteen dollars and ninety-three cents (\$14.93)* per annum shall be made in addition to the foregoing.

The term story as used in the foregoing shall include:

- (a) Basements containing two or more finished rooms, not including laundry rooms.
- (b) Basements or attics used for business purposes, other than those used exclusively for storage, and in which no person is regularly employed.
- (c) Attics containing two or more finished rooms.

Outbuildings, rear buildings or buildings on alleys shall be exempt from service charge when located in the rear of other buildings assessed such service charge; but such buildings shall not be considered as rear buildings when fronted by any street.

For the purpose of assessment, the occupancies of buildings, structures or premises shall be classified as nearly as may be possible as follows:

Class A. Buildings used as private residences exclusively, which are occupied by members of one family only, and in which no portion of the building is rented or maintained for rent to other persons.

Class B. (b1) Flat or apartment buildings containing one or more flats or apartments with a minimum of one water closet, one bath, and one sink.

(b2) Flat or apartment buildings not having baths for any of the flats or apartments.

The amounts to be charged for service to buildings in Class "A" shall be the amounts heretofore specified as minimum charge for service. This charge shall include service for all ordinary domestic fixtures and openings, but shall not include service for outbuildings, air conditioning, or use of hose for sprinkling, washing or like purposes, or other devices which require large quantities of water. Such service as is not included shall be charged for additionally at rates hereinafter specified.

The amounts to be charged for service to buildings in Class "B" shall be the amounts heretofore specified as minimum charge for service, and this charge shall include, in class (b1), one flat or apartment equipped with not less than one water closet, one bath or one sink, and in class (b2), one water closet and two family sinks, each of such sinks being open to use of not to exceed one family. If either sink is open to use of other families a charge of [\$28.20] \$30.73 per annum shall be made for each such other family.

For each other flat or apartment equipped with not less than one water closet, one bath and one sink, a charge of [\$65.40] \$71.28 per annum shall be made.

For fixtures for use of apartments having less than the above equipment the following:

For each water closet-	per annum	[\$28.20]	\$30.73.
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If such water closet is open to the use of more than one family, an additional charge of [\$28.20] \$30.73 shall be made for each such family.

For each wash basin-	per annum	[\$8.60]	\$9.37
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For each family sink which is open to the use of not more than one family-	per annum	[\$28.20]	\$30.73.
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If such sink is open to the use of more than one family, an additional charge of [\$28.20] \$30.73 per annum shall be made for each such family.

All openings as trays used for private laundry purposes shall be allowed with service charge, but service for outbuilding, air conditioning, use of hose for sprinkling, washing or like purposes, or other devices which require large quantities of water, shall not be included. Such service as is not included shall be charged for additionally at rates hereinafter specified.

For other special water fixtures or for any other special or unusual use of water for which no charge has been specified, the Commissioner of Water shall determine the amount to be charged for such special fixture and for such use of water, such charge to be based on an estimate of the amount of water used.

SECTION 2. Chapter 185, Section 185-27 of the Municipal Code of Chicago, is hereby amended by deleting the language contained in brackets and inserting the language in italics below as follows:

185-27. In addition to other rates and charges assessed against any building, structure or premises, the supply to which is not controlled by meter, annual rates, or rates for other periods where so specified, shall be assessed where fixtures, devices or occupancies are found, as follows:

For hose such as is ordinarily used for sprinkling, washing or like purposes, per season:

For a frontage of 30 feet or less	~~[\$19.90]~~	<i>\$21.69</i>
For a frontage exceeding 30 feet but not exceeding 50 feet	~~[28.20]~~	<i>30.74</i>
For each additional 25 feet of frontage of major fraction thereof	~~[5.70]~~	<i>6.21</i>
For aquariums with water connection, and a capacity not to exceed ten cubic feet of water, per season	~~[19.90]~~	<i>21.69</i>
For each additional ten cubic feet or major fraction thereof	~~[19.90]~~	<i>21.69.</i>

For fountains, per season:

Each jet 1/16 of an inch or less	~~[45.30]~~	<i>49.38</i>
Exceeding 1/16 of an inch but not exceeding 1/8 of an inch	~~[180.80]~~	<i>197.07</i>
Exceeding 1/8 of an inch but not exceeding 1/4 of an inch	~~[448.60]~~	<i>488.97.</i>

Gardens sprinkled or irrigated which are not part of adjoining premises:

For 3,000 square feet or less, per season	~~[19.90]~~	<i>21.69</i>
For each additional 3,000 square feet or major fraction thereof	~~[8.60]~~	<i>9.37</i>

For street sprinklers, motor driven, operated for profit, per month, each	[335.70]	365.91
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Air-conditioning charges for each horsepower	[52.90]	57.66.
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For building construction:

At the rate of [ninety cents (\$.90)] *one dollar and ten cents (\$1.10)* for every 1,000 cubic feet of building volume, or fraction thereof, provided however, that no charge shall be less than [eight dollars and fifty cents (\$8.50)] *ten dollars and eighty cents (\$10.80)*.

For alterations, repairs, or reconstruction of buildings:

An amount equal to twenty-five percent of the amount of the fee charged for a building permit issued pursuant to Chapter 43 of this Code.

For other special water fixtures, or for any other special or unusual use of water for which no charge has been heretofore specified, the Commissioner of Water shall determine the amounts to be charged for such special fixtures or for such use of water, such charge to be based upon an estimate of the amount of water used.

SECTION 3. Chapter 185, Section 185-28 of the Municipal Code of Chicago, is hereby amended by deleting the language contained in brackets and inserting the language in italics below, as follows:

185-28. When water is used for temporary purposes, or for purposes not herein otherwise specified, the quantity of water so used, or to be used, shall be estimated by the Commissioner of Water and shall be charged for at the rate of [twenty cents (\$.20)] *twenty-five cents (\$.25)* per one hundred gallons.

The amount to be charged for the use of water for such temporary or other purpose, when the quantity of water used or to be used shall have been estimated by the commissioner, shall be paid in advance to the Department of Water by the person desiring to use such water at the rates herein fixed for such use.

SECTION 4. Chapter 185, Section 185-31 of the Municipal Code of Chicago, is hereby amended by deleting the language contained in brackets and inserting the language in italics below, as follows:

185-31. The rate for metered water shall be [five dollars and thirty-two cents (\$5.32)] *six dollars and seventy-six cents (\$6.76)* per one thousand cubic feet, subject to a discount of [thirteen cents (\$.13)] *seventeen cents (\$.17)* approximately 2-1/2 percent for each one thousand cubic feet charged if payment is received by the Bureau of Water Service within twenty-one calendar days of the time the bill therefore is mailed as shown by the records of the Bureau of Water Service. If such payment is made to an agent of the City of Chicago authorized to collect water rates the said agent shall transmit the amount of any bills so paid to the cashier of the Bureau of Water Service, in order that payment is received in the Bureau within twenty-one calendar days of the time the bill therefor is mailed as shown by the records of the Bureau. An expired discount may be allowed on

only one bill for any premises in each calendar year. Where the correctness of a bill is disputed and where complaint of such incorrectness has been made within the period during which the bill for the premises involved would be subject to the usual discount and where the adjusting of such complaint requires additional time, said discount may be allowed up to and including the fifth day succeeding the re-mailing of such bill.

SECTION 5. This ordinance shall be in full force and effect May 1, 1985.

Action Deferred -- CHAPTER 185.1, SECTION 185.1-2(a) OF
MUNICIPAL CODE AMENDED CONCERNING RATE
FOR SEWER SERVICE.

The Committee on Finance submitted the following report which was, on motion of Alderman Frost and Alderman Kelley, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

Your Committee on Finance, to which was referred an ordinance amending Chapter 185.1, Section 185.1-2(a) of the Municipal Code of the City of Chicago regarding the rate for sewer service, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE.
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of the City of Chicago, Chapter 185.1, Section 185.1-2(a) is hereby amended by deleting the language appearing within brackets and adding the language in italics below as follows:

185.1-2 (a) A charge for sewer service and use of the sewerage system of the City is hereby established. The charge shall be an amount equal to [48%] 50% of the amount charged for water service pursuant to Chapter 185 of this Code, whether such water service is metered or otherwise; property which is exempt from payment of a water service charge pursuant to Chapter 185, Section 185-47 of this Code shall not be exempt from payment of a sewer usage fee, but shall pay an amount equal to [48%] 50% of the water rate which would be otherwise applicable, but for an exemption pursuant to Chapter 185, Section 185-47. However, such property as is owned and used in the immediate conduct of carrying out of the purposes of any charitable, religious or educational institution, including the residence occupied by the janitor or caretaker of a religious institution if located on the premises of such religious institution, shall be

exempt from the first one thousand dollar (\$1,000.00) charge for sewer service on an annual basis.

SECTION 2. This ordinance shall be in full force and effect, after passage and due publication, on January 1, 1985.

Action Deferred -- ISSUANCE OF CHICAGO-O'HARE
INTERNATIONAL AIRPORT SPECIAL FACILITY
REVENUE BONDS (AMERICAN AIRLINES,
INCORPORATED PROJECT).

The Committee on Finance submitted the following report which was on motion of Alderman Smith and Alderman Henry, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance authorizing the issuance of Chicago-O'Hare International Airport Special Facility Revenue Bonds (American Airlines, Inc. Project), having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

WHEREAS, The City of Chicago (the "City") is a duly constituted and existing municipality within the meaning of Section 1, Article VII of the 1970 Constitution of the State of Illinois (the "Constitution") having a population in excess of 25,000 and is a home rule unit under Section 6(a), Article VII of the Constitution; and

WHEREAS, The City currently owns and operates an airport known as Chicago-O'Hare International Airport (the "Airport"); and

WHEREAS, The City, as a home rule unit and pursuant to the Constitution, is authorized and empowered to issue its revenue bonds to finance the costs of the design, reconstruction, improvement and modernization of facilities at the Airport; and

WHEREAS, The City is in the process of planning and designing a major redevelopment of the Airport and as part of such redevelopment the City and American Airlines, Inc. (the "Airline") entered into an Airport Use Agreement and Terminal Facilities Lease dated as of February 1, 1983, as amended (the "Airport Use Agreement"); and

WHEREAS, The City Council enacted an ordinance on July 6, 1983, authorizing the execution and delivery of an agreement between the Airline and the City providing for the issuance of the City's special facility revenue bonds for the purpose of financing the costs of the design, reconstruction, improvement and modernization of Terminal 3 and Concourses H and K and related facilities at the Airport; and

WHEREAS, On December 29, 1983, in order to finance a portion of such costs, the City issued \$170,000,000 aggregate principal amount of its Chicago-O'Hare International Airport Special Facility Revenue Bonds, Series 1983 A through D (American Airlines, Inc. Project); and

WHEREAS, The Airline has requested the City to issue additional special facility revenue bonds for the purpose, among others, of financing additional costs relating to the design, reconstruction, improvement and modernization of Terminal 3 and Concourses H and K and certain parking and service facilities at the Airport, all as described in Exhibit A to each of the hereinafter described Special Facility Use Agreements (the "Project"); and

WHEREAS, The City and the Airline desire to enter into one or more Special Facility Use Agreements, each dated as of December 1, 1984 (the "Special Facility Use Agreement"), in the form submitted to this meeting, in order to provide, among other things, for the payment by the Airline of such amounts as will be sufficient to enable the City to pay when due the principal of, premium, if any, and interest on the Series 1984 Bonds (as hereinafter defined); and

WHEREAS, The City desires to enter into one or more Indentures of Trust, each dated as of December 1, 1984 (the "Indentures"), with Irving Trust Company, in the City of New York, New York, as trustee (the "Trustee"), in the form submitted to this meeting, pursuant to which the City will issue one or more series of Series 1984 Bonds and provide for the security therefor; and

WHEREAS, The financing of the cost of (i) designing, constructing and equipping the Project; (ii) paying interest on the Series 1984 Bonds; (iii) funding a reserve account for the payment of each series of Series 1984 Bonds; and (iv) paying the expenses of issuing the Series 1984 Bonds, is authorized by the Constitution and constitutes a valid public purpose thereunder; and

WHEREAS, The City proposes to issue and sell the Series 1984 Bonds hereinafter authorized and designated "Chicago-O'Hare International Airport Special Facility Revenue Bonds, Series 1984 (American Airlines, Inc. Project)" (the "Series 1984 Bonds") in one or more series upon a negotiated basis to the Underwriter named in the hereinafter described Bond Purchase Agreement (the "Underwriter"); and

WHEREAS, The City and the Underwriter desire to enter into a Bond Purchase Agreement in the form submitted to this meeting (the "Bond Purchase Agreement") pursuant to which the City will sell and the Underwriter will purchase the Series 1984 Bonds; and

WHEREAS, There has been prepared and presented to this meeting of the City Council a draft of the Preliminary Official Statement of the City (the "Preliminary Official Statement") relating to the Series 1984 Bonds; and

WHEREAS, In order to satisfy certain requirements relating to the Project contained in 26 Code of Federal Regulations Part 1, Sections 1-103(n)-1T through 1-103(n)-6T (the "Volume Cap Regulations"), the Airline has requested that the City enter into an agreement containing covenants relating to the Airline's waiver of certain federal income tax benefits required under the Volume Cap Regulations (the "American Agreement"); and

WHEREAS, In order to satisfy the requirements of the Volume Cap Regulations with respect to the project at the Airport financed with the City's special facility revenue bonds for use by United Air Lines, Inc. ("United") the City has executed and delivered an agreement containing covenants relating to United's waiver of certain federal income tax benefits required under the Volume Cap Regulations (the "United Agreement"); and

WHEREAS, It is now deemed desirable that the Airline and the City enter into an Amendment to Special Facility Use Agreements, dated as of December 1, 1983 (the "Amendment of 1983 Agreements"), with the Airline, in the form submitted to this meeting, amending Exhibits A and B attached to the Special Facility Use Agreements between the City and the Airline, dated as of December 1, 1983; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Definitions. The following words and terms as used in this ordinance shall have the following meanings unless the context or use indicates another or different meaning or intent:

"Airline" means American Airlines, Inc., a Delaware corporation.

"Airport" means Chicago-O'Hare International Airport, which is owned and operated by the City.

"Airport Use Agreement" means the Airport Use Agreement and Terminal Facilities Lease between the City and the Airline, dated as of February 1, 1983, as amended.

"Amendment of 1983 Agreements" means the Amendment to Special Facility Use Agreements, dated as of December 1, 1983, by and between the City and the Airline.

"American Agreement" means an agreement between the City and the Airline containing covenants relating to the Airline's waiver of certain federal income tax benefits required under the Volume Cap Regulations (defined in the recitals hereto).

"Bond Purchase Agreement" means the Bond Purchase Agreement by and among the City, the Airline and the Underwriter.

"City" means the City of Chicago, and its successors and assigns.

"City Clerk" means the City Clerk of the City or, with respect to attestation or affixing the City seal, the Deputy City Clerk of the City.

"Constitution" means the 1970 Constitution of the State of Illinois.

"Final Official Statement" means the Official Statement of the City to be dated the date of the Bond Purchase Agreement, together with all appendices attached thereto, relating to the Series 1984 Bonds.

"Indentures" means the Indentures of Trust, each dated as of December 1, 1984, by and between the City and the Trustee relating to the Series 1984 Bonds.

"Ordinance" means this Ordinance.

"Preliminary Official Statement" means the Preliminary Official Statement of the City, relating to the Series 1984 Bonds.

"Project" means the design, reconstruction, improvement and modernization of Terminal 3 and Concourses H and K and certain parking and service facilities located at the Airport and as further described in Exhibit A to the Special Facility Use Agreements.

"Series 1984 Bonds" means the bonds, in one or more series, more fully described and authorized to be issued by the City in Section 3 hereof.

"Special Facility Use Agreements" means the Special Facility Use Agreements, each dated as of December 1, 1984, by and between the City and the Airline.

"Trustee" means Irving Trust Company, in the City of New York, New York, as Trustee under each of the Indentures, and its successors in trust.

"Underwriter" means Salomon Brothers, Inc. and any other person, if any, named as an underwriter in the Bond Purchase Agreement.

"United" means United Air Lines, Inc.

"United Agreement" means an agreement between the City and United containing covenants relating to United's waiver of certain federal income tax benefits required under the Volume Cap Regulations.

"Volume Cap Regulations" means 26 Code of Federal Regulations Part 1, Sections 1.103(n)-1T through 1.103(n)-6T.

SECTION 2. Authorization of the Project. The Project shall be and is hereby authorized to be financed as described herein. The estimated cost of (1) the design, reconstruction, improvement and modernization of the Project; (2) the payment of interest on the Series 1984 Bonds; (3) providing for a reserve account for the payment of each series of Series 1984 Bonds; and (4) the expenses of issuing the Series 1984 Bonds will be provided by the issuance of the Series 1984 Bonds. It is hereby found and declared that the construction and financing of the Project and the use thereof by the Airline, as hereinafter provided, constitutes a valid public purpose within the meaning of the Constitution, and that in order to further secure the Series 1984 Bonds, the pledge and assignment by the City under each of the Indentures of certain of its rights under the related Special Facility Use Agreement to the Trustee is necessary and proper. The Project is authorized to be designed, reconstructed, improved and modernized according to the description and in the manner provided in Exhibits A, B and C attached to the Special Facility Use Agreements.

SECTION 3. Authorization and Payment of Series 1984 Bonds. For the purposes of financing the cost of the Project there are hereby authorized to be issued by the City its Chicago-O'Hare International Airport Special Facility Revenue Bonds, Series 1984 (American Airlines, Inc. Project) in one or more series in an aggregate principal amount not to exceed \$150,000,000. Each series of Series 1984 Bonds shall be issuable only in fully registered form; shall be issued in the denominations authorized in the Indenture related to such series; and shall be dated and numbered as provided in the Indenture related to such series.

Each series of Series 1984 Bonds shall mature no later than December 1, 2020, and, except for a short period ending not later than the fifth business day in February, 1985, during which the Series 1984 Bonds may bear interest at a fixed rate, shall initially bear interest at a daily variable interest rate, all as more fully set forth in Section 202 of the Indenture related to such series and thereafter at such other interest rate as may be established in accordance with the provisions of the Indenture related to such series, provided that in no event shall any series of Series 1984 Bonds bear interest at a rate in excess of the lesser of twenty-five percent (25%) per annum or, so long as any series of Series 1984 Bonds is secured by a Letter of Credit (as defined in the related Indenture), with respect to such Bonds, the maximum interest rate stated in such Letter of Credit for purposes of calculating the stated amount thereof.

The final maturity date of each series of Series 1984 Bonds, the principal amount of each series, the aggregate principal amount of the Series 1984 Bonds, the number of series of Series 1984 Bonds, the interest rate of each such series for the first Interest Period (as defined in the related Indenture) and the aggregate purchase price to be paid for each series of Series 1984 Bonds shall be determined as provided in Section 6 hereof.

Each series of Series 1984 Bonds shall be subject to mandatory and optional redemption prior to maturity upon the terms and conditions set forth in the Indenture related to such series.

The principal of and premium, if any, on each series of Series 1984 Bonds shall be payable at the principal corporate trust office of the Trustee. Payment of interest on each series of Series 1984 Bonds shall be made to the registered owner thereof and shall be paid by check or other form of draft of the Trustee mailed to the registered owner at his address as it appears on the registration books of the City kept by the Trustee or at such other address as is furnished to the Trustee in writing by such registered owner, or in certain circumstances by wire transfer, all as further provided in the Indenture related to such series.

SECTION 4. Series 1984 Bonds are Limited Obligations. The bonds of each series of Series 1984 Bonds, together with the obligation to pay interest thereon, shall be limited obligations of the City secured solely by a pledge of certain "Special Facility Revenues" (as that term is defined in the related Indenture) derived by the City under the related Special Facility Use Agreement, and by other specified sources pledged under the Indenture related to such series, and shall be a valid claim of the owners thereof only against the funds and other moneys held by the Trustee with respect to such series and such Special Facility Revenues derived from the related Special Facility Use Agreement, which Special Facility Revenues shall be used for no other purpose than to pay the principal of, premium, if any, and interest on such series of Series 1984 Bonds, except as may be expressly

authorized otherwise in the related Special Facility Use Agreement or the related Indenture. The bonds of each series of Series 1984 Bonds and the obligation to pay interest thereon are not general obligations of the City and do not constitute an indebtedness or a loan of credit of the City, or a charge against the City's general credit or taxing powers, within the meaning of any constitutional or statutory provision of the State of Illinois, or otherwise.

SECTION 5. Assignment. As security for the due and punctual payment of the principal of, premium, if any, and interest on each series of Series 1984 Bonds, and as security for the rights of the Bank under the Reimbursement Agreement (as such terms are defined in the related Indenture) to the extent provided in the related Indenture, the City will, in the related Indenture, assign and pledge to the Trustee (i) certain Special Facility Revenues derived by the City under the related Special Facility Use Agreement and (ii) certain rights and remedies of the City under the related Special Facility Use Agreement to enforce payment thereof.

SECTION 6. Approval of the Bond Purchase Agreement and Official Statement; Execution and Delivery of the Bond Purchase Agreement. (a) The form of the Bond Purchase Agreement presented to this meeting is hereby approved in all respects. The Mayor or the City Comptroller of the City, with the concurrence of the Chairman of the Committee on Finance of the City Council, is hereby authorized and directed to execute and deliver a Bond Purchase Agreement in substantially the form of the Bond Purchase Agreement presented to this meeting, together with such changes and completions thereof as may be approved by the Mayor or the City Comptroller, as the case may be, subject to the limitations contained in Paragraph (b) of this Section 6, the execution thereof to constitute conclusive evidence of the approval of such changes and completions. The sale to the Underwriter of the Series 1984 Bonds pursuant to the terms and conditions of the Bond Purchase Agreement is hereby approved by this City Council.

(b) Authority is hereby delegated to the Mayor or the City Comptroller to determine the aggregate principal amount of the Series 1984 Bonds, the principal amount of each series of Series 1984 Bonds, the final maturity date of each series of Series 1984 Bonds, the interest rate for the first Interest Period for each series of Series 1984 Bonds and the purchase price of each series of Series 1984 Bonds; provided, however, that (i) the aggregate principal amount of all series of the Series 1984 Bonds shall not exceed \$150,000,000, (ii) the number of series of Series 1984 Bonds shall not exceed five (5); (iii) the interest rate for the first Interest Period shall not exceed fifteen percent (15%); (iv) the final maturity date for each series of Series 1984 Bonds shall not be later than December 1, 2020; and (v) the aggregate purchase price for each series of Series 1984 Bonds shall not be less than ninety-five percent (95%) of the principal amount thereof to be issued.

(c) To evidence the exercise of the authority delegated to the Mayor and the City Comptroller pursuant to Paragraph (b) of this Section 6, the Mayor or the City Comptroller is hereby directed to execute and file with the Trustee a certificate setting forth the determinations made pursuant to the authority granted in such Paragraph, which certificate shall constitute conclusive evidence of the proper exercise of such authority.

(d) The form of Preliminary Official Statement of the City with respect to the Series 1984 Bonds presented to this meeting, the distribution thereof to prospective purchasers and the use thereof by the Underwriter in connection with the offering of the Series 1984 Bonds are hereby authorized. The Mayor or the City Comptroller is hereby authorized to

execute and permit the distribution of the Final Official Statement, in substantially the form of said Preliminary Official Statement, with such changes, omissions, insertions and revisions as the Mayor or the City Comptroller shall deem advisable, and with such further changes, omissions, insertions and revisions as shall be necessary to conform the Final Official Statement to the provisions of the instruments, as executed and delivered, authorized by the provisions of this Ordinance to be executed and delivered in the name and on behalf of the City and to any other instruments executed and delivered in connection with the issuance of the Series 1984 Bonds, and the Mayor or the City Comptroller are authorized to execute and deliver such Final Official Statement to the Underwriter in the name and on behalf of the City.

(e) Pursuant to each of the Indentures, the Mayor shall execute the Series 1984 Bonds on behalf of the City, by facsimile signature, and the corporate seal of the City or a facsimile thereof shall be affixed, imprinted, engraved or otherwise reproduced on the Series 1984 Bonds and attested by the facsimile signature of the City Clerk. The Series 1984 Bonds shall upon such execution on behalf of the City be delivered to the Trustee for authentication and thereupon shall be authenticated by the Trustee and shall be delivered pursuant to written order of the City authorizing and directing the delivery of the Series 1984 Bonds to or upon the order of the Underwriter.

SECTION 7. Execution of Documents. (a) The Special Facility Use Agreements, the Indentures and the Amendment of 1983 Agreements, in substantially the forms submitted to this meeting, are hereby authorized and approved. The American Agreement, in the form approved by the Mayor or the City Comptroller, is hereby authorized and approved. The United Agreement, as executed and delivered by the Mayor or the City Comptroller, is hereby ratified and approved. The Mayor or the City Comptroller of the City is hereby further authorized to execute on behalf of the City a statement carrying forward the City's 1984 unused private activity bond limit to the extent available under Section 103 of the Internal Revenue Code of 1954, as amended, specifying the Airport as the project with respect to which the unused bond limit is being carried forward.

(b) The Mayor or the City Comptroller is hereby authorized to execute the Special Facility Use Agreements, the Indentures, the Amendment of 1983 Agreements and the American Agreement for and on behalf of the City, and the City Clerk is hereby authorized, as appropriate, to attest the same and to affix thereto the corporate seal of the City. The Special Facility Use Agreements, the Indentures and the Amendment of the 1983 Agreements may contain such changes consistent with the purposes and intent of this Ordinance as shall be approved by the Mayor or the City Comptroller, and the American Agreement may contain such covenants relating to the Airline's waiver of certain federal income tax benefits required under the Volume Cap Regulations as shall be approved by the Mayor or the City Comptroller, the execution or acceptance thereof to constitute conclusive evidence of this City Council's approval of the form thereof and any and all changes or revisions therein. From and after the execution and delivery of the agreements mentioned in Paragraph (a) of this Section 7, the officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of such agreements as executed.

(c) No further approval or action of this body shall be necessary or required for the actions, executions and deliveries contemplated in and directed in this Section 7 to be

effective and any such actions, executions and deliveries will constitute the legal and validly binding actions of the City.

SECTION 8. Appointment of Trustee, Remarketing Agent and Indexing Agent. Salomon Brothers, Inc. is hereby appointed as Remarketing Agent under each of the Indentures for the purpose of determining the interest rate on each series of Series 1984 Bonds, and the Mayor or the City Comptroller is hereby authorized to appoint an Indexing Agent, when required, under each of the Indentures. The appointment of Irving Trust Company, in the City of New York, New York, as Trustee under each Indenture, is hereby authorized, approved and confirmed.

SECTION 9. Hearing. The publication on November 16, 1984, in the Chicago Tribune, of notice of the public hearing held with respect to the issuance of the Series 1984 Bonds in accordance with the provisions of Section 103(k) of the Internal Revenue Code of 1954, as amended, is hereby ratified and confirmed in all respects and the holding of said hearing by the Chairman of the Committee on Finance on November 30, 1984, is hereby ratified and confirmed in all respects.

SECTION 10. Performance Provisions. The Mayor, the City Comptroller and the City Clerk for and on behalf of the City shall be, and each of them is hereby authorized and directed to do any and all things necessary to effect the performance of all obligations of the City under and pursuant to this Ordinance, the execution and delivery of each series of Series 1984 Bonds and the performance of all other acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance. The Mayor, the City Comptroller and the City Clerk shall be, and they are hereby, further authorized and directed for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required to carry out the authority conferred by this Ordinance or to evidence said authority, including an appropriate certificate pursuant to Section 103(c) of the Internal Revenue Code of 1954, as amended, for inclusion in the transcript of proceedings with respect to the Series 1984 Bonds, and to exercise and otherwise take all necessary action to the full realization of the rights, accomplishments and purposes of the City under the Special Facility Use Agreements, the Indentures, the Final Official Statement, the Bond Purchase Agreement, the Amendment of 1983 Agreements, the United Agreement and the American Agreement, and to discharge all of the obligations of the City hereunder and thereunder.

SECTION 11. Designation of Another to Affix Signature. The Mayor and the City Comptroller may each designate another person to act as their respective proxy and to affix their respective signature to the Series 1984 Bonds, whether in temporary or definitive form, and any instrument, agreement, certificate or document required to be signed by the Mayor or the City Comptroller pursuant to this Ordinance, in such case, each shall send to the City Council written notice of the person so designated by each, such notice stating the name of the person so selected and identifying the instruments, certificates and documents which such person shall be authorized to sign as proxy for the Mayor and the City Comptroller, respectively. A written signature of the Mayor or of the City Comptroller, respectively, executed by the person so designated underneath, shall be attached to each notice. Each notice, with the signatures attached, shall be recorded in the Journal of the Proceedings of the City Council and filed with the City Clerk. When the signature of the Mayor is placed on an instrument, certificate or document at the direction of the Mayor in the specified manner, the same, in all respects, shall be as binding on the City as if signed by the Mayor in person. When the signature of the City Comptroller is so affixed to an

instrument, certificate or document at the direction of the City Comptroller, the same, in all respects, shall be binding on the City as if signed by the City Comptroller in person.

SECTION 12. Severability. It is the intention of this City Council that, if any section, paragraph, clause or provision of this Ordinance shall be ruled by any court of competent jurisdiction to be invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions hereof.

SECTION 13. Captions. The captions or headings of this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provision of this Ordinance.

SECTION 14. Provisions in Conflict Repealed; Publication. All ordinances, resolutions, and orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. This Ordinance shall be made available to the public by the City Clerk, City Hall, Chicago, Illinois. Copies are to be made available in the Office of the City Clerk for public inspection and distribution to members of the public who may wish to avail themselves of a copy of this Ordinance.

SECTION 15. Effective Immediately. This ordinance shall be in full force and effect from and after its adoption.

[Special Facility Use Agreement, Bond Purchase Agreement,
Preliminary Official Statement and Indenture of Trust
omitted for printing purposes but on file and
available for public inspection in the
Office of the City Clerk.

Action Deferred -- TRANSFER OF FUNDS IN MAYOR'S
OFFICE OF INQUIRY AND INFORMATION.

The Committee on Finance submitted the following report which was, on motion of Alderman Santiago and Alderman Mell, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred an ordinance authorizing a transfer of funds in the Mayor's Office of Inquiry and Information:

FROM:

Account	Number	Amount
Salaries and Wages on Payroll	100-1180-005	\$22,491.00

TO:

Account	Number	Amount
Postage and Postal Charges	100-1180-130	\$ 1,000.00
Stationery and Office Supplies	100-1180-350	\$ 5,491.00
Material and Supplies	100-1180-340	\$ 6,000.00
Rental of Equipment and Services	100-1180-157	\$10,000.00

having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the City Comptroller and the City Treasurer are authorized and directed to make the following transfer of funds for the year 1984. This transfer will leave sufficient unencumbered appropriations to meet all liabilities that have been or may be incurred during the year 1984 payable from such appropriations.

FROM:

Account	Number	Amount
Salaries and Wages on Payroll	100-1180-005	\$22,491

TO:

Account	Number	Amount
Postage and Postal Charges	100-1180-130	\$ 1,000
Stationery and Office Supplies	100-1180-350	\$ 5,491
Material and Supplies	100-1180-340	\$ 6,000

Account	Number	Amount
Rental of Equipment and Services	100-1180-157	\$10,000

SECTION 2. That the sole purpose of this transfer of funds is for the purchase of postage; the payment of outstanding invoices for Shell Oil Company; payment of outstanding invoices for office supplies; and for the payment of invoices for the rental of equipment.

SECTION 3. This ordinance shall be effective upon due passage.

Action Deferred -- TRANSFER OF FUNDS IN DEPARTMENT
OF LAW.

The Committee on Finance submitted the following report which was, on motion of Alderman Mell and Alderman Santiago, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred an ordinance authorizing a transfer of funds in the Department of Law:

FROM:

Account	Number	Amount
Interest on Tax Anticipation Notes	100-9112-959	\$400,000

TO:

Account	Number	Amount
Legal	100-9112-145	\$400,000

having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the City Comptroller and the City Treasurer are authorized and directed to make the following transfer of funds for the year 1984. This transfer will leave sufficient unencumbered appropriations to meet all liabilities that have been or may be incurred during the year 1984 payable from such appropriations:

FROM:		
Account	Number	Amount
Interest on Tax Anticipation Notes	100-9112-959	\$400,000
TO:		
Account	Number	Amount
Legal	100-9112-145	\$400,000

SECTION 2. That the sole purpose of this transfer of funds is for the payment of legal expenses incurred.

SECTION 3. This ordinance shall be effective upon due passage.

Action Deferred -- ORDINANCE AUTHORIZING EXECUTION
OF LOAN AND SECURITY AGREEMENT WITH ASPEN
FOODS, INCORPORATED.

The Committee on Finance submitted the following report which was, on motion of Alderman Hutchinson and Alderman W. Davis, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance authorizing the execution of a loan and security agreement with Aspen Foods, Inc., located at 1115 West Fulton Street, whereby Community Development Block Grant Funds will be lent for the acquisition of machinery and equipment and expansion of the building, in the amount of \$200,000, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

WHEREAS, The Department of Economic Development was established on the 10th day of February, 1982, by ordinance of the City Council of the City of Chicago with its primary purpose the creation of additional employment opportunities in the City of Chicago through the attraction and expansion of industrial development; and

WHEREAS, By ordinance passed June 6, 1984, the City Council of the City of Chicago authorized the Department of Economic Development to use up to \$1,500,000 of Year X Community Development Block Grant Funds for purposes of making loans to companies to assist their business expansion with good potential for success thereby benefiting the communities in which they are located; and

WHEREAS, Aspen Foods, Inc., a food processing venture located at 1115 West Fulton Street, has applied to the Department of Economic Development for financial assistance in expanding its operations; and

WHEREAS, The Department of Economic Development has determined that Aspen's expansion plans have good potential for success, and for creating an estimated 30 new employment opportunities thereby making it a good candidate for assistance from the Department of Economic Development's loan program, known as the Business Development Loan Program; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Commissioner of the Department of Economic Development upon the granting of adequate security and review by the Corporation Counsel as to form and legality, is authorized to enter into and execute on behalf of the City of Chicago a Loan and Security Agreement to loan Aspen Foods, Inc. the sum of \$200,000 for purposes of acquisition of machinery and equipment, and construction as part of its business expansion program, said agreement being in substantially the form attached hereto as Exhibit A.

SECTION 2. This ordinance shall be effective by and from the date of its passage.

Exhibit A attached to this ordinance reads as follows:

This Agreement is entered into and executed this _____ day of _____, 19____, by and between the City of Chicago, Illinois, a Municipal corporation, by and through its Department of Economic Development ("Lender"), having its offices at 20 North Clark Street, Chicago, Illinois, and Aspen Foods, Inc., an Illinois corporation, with principal offices at 1115 West Fulton Street, Chicago, Illinois ("Borrower").

Recitals

Whereas, Borrower has a food processing facility; and

Whereas, Borrower desires to borrow and Lender desires to lend the sum of \$200,000 ("Loan") for purposes of acquisition of machinery and equipment, and construction as part of a business expansion program; and

Whereas, Borrower has agreed to provide adequate security to Lender.

Now, Therefore, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

Section 1. The Recitals above are incorporated herein and made a part of this Agreement.

Section 2. Consideration.

Lender hereby agrees, in consideration of Borrower executing this Agreement and agreeing to be bound by its terms to make the Loan to Borrower.

In consideration of Lender making the above-mentioned Loan Borrower agrees for itself, its successors and assigns, to be bound by the terms of this Agreement.

Section 3. Loan.

The Loan shall be made upon the following terms and conditions:

A. The principal sum of the Loan shall be \$200,000.

B. The term of the Loan shall be seven years.

C. The rate of interest charged on the Loan per annum shall be 75% of that rate of interest charged by First National Bank of Chicago to its most credit-worthy customers upon 90-day unsecured loans in effect from time to time (the "Prime Rate"), payable monthly on the entire amount of said principal remaining from time to time unpaid. The aforesaid rate of interest for the principal sum shall be established as of the date this Agreement and that certain Note of even date herewith are executed; and shall be adjusted as of the first day each of January, April, July and October of each year the Loan remains outstanding. The first such interest adjustment of the Loan shall be January 1, 1985.

D. Principal payments together with interest thereon in an amount set forth on a Statement issued by Lender, to Borrower, shall commence on the 25th day of the month of December 1984, and will be due and payable pursuant to Statement on the 25th day of each succeeding month thereafter until paid in full.

E. The Loan shall be used to purchase machinery and equipment and for construction at Borrower's facility.

Section 4. Grant of Security Interest.

A. To secure the prompt payment to Lender of and the prompt, full and faithful performance of Borrower's liabilities to Lender, Borrower grants to Lender a security interest in that certain real estate located at 1115 West Fulton Street, Chicago, Illinois, and in and to all of Borrower's now owned and hereafter acquired: (i) goods (other than inventory), equipment, vehicles and fixtures, together with all replacements, additions, accessions or substitutions thereto and/or therefor; (ii) all products and proceeds of the foregoing including without limitation proceeds of insurance policies insuring the

collateral (all of the foregoing real and personal property hereinafter individually and collectively referred to as "Collateral") said security interest subordinate only to the interest of Western National Bank of Cicero as security for its loan of not more than \$300,000.

B. The aforesaid grant of security interest shall be a condition precedent to any disbursement of proceeds under the Loan.

Section 5. Representations and Warranties of Borrower.

Borrower represents and warrants to the Lender that:

A. **Corporate Status.** It is a corporation duly organized and validly existing in good standing under the laws of the jurisdiction of its incorporation, with the corporate power and authority to own its properties and to transact the business in which it is engaged.

B. **Corporate Power and Authority.** It has the corporate power and authority to execute, deliver and carry out the terms and provisions of this Agreement and the Note executed thereunder, and all necessary corporate action with respect to the execution of the Agreement and all documents and instruments called for therein has been taken.

C. **Binding Agreements.** This Agreement constitutes a legal, valid and binding obligation of Borrower enforceable in accordance with its terms; the Note will, when issued by the Borrower, constitute the legal, valid and binding obligation of the Borrower enforceable against Borrower in accordance with its terms.

D. **No Violation of Agreements.** It is not in default in any respect under any indenture, mortgage, deed of trust, agreement, or other instrument to which it is a party or by which it is bound. Neither the execution by Borrower of this Agreement or the Note issued hereunder, nor the consummation of this transaction, will violate any order or decree of any court or governmental instrumentality, or will conflict with or result in the breach or default of any indenture, mortgage, deed of trust, agreement or other instrument to which it is a party or by which it is bound or, except as contemplated by this Agreement, result in the creation or imposition of any lien, charge, or encumbrance upon any of its property thereunder.

E. **The office where the Borrower keeps Borrower's books and records concerning the Secured Property and Borrower's chief place of business and chief executive office is and will be located at the address of Borrower set forth on the first page of this Agreement.**

Section 6. Maintaining Records and Right to Inspect.

All Borrower's books, records and other documents relating directly to the receipt and disbursement of the Loan shall be subject to audit and examination by any duly authorized representative of the Lender. Such right shall extend until one year after the total amount of the Borrower Loan, including principal and all accrued interest, is repaid by Borrower to Lender.

Section 7. Reporting Requirements.

Borrower is required to submit to Lender its annual financial statements audited by an independent certified public accountant satisfactory to the Lender, or, in the event such audited financial statements have not been compiled, a statement certified by an officer of Borrower, until the period set forth in Section 6 of the Agreement.

Section 8. Access To Project.

Borrower agrees that for the period set forth in Section 6 of this Agreement, any duly authorized representatives of Lender shall have, during normal business hours, access to any portion of premises owned, leased or otherwise occupied by Borrower.

Section 9. Time Of The Essence.

Time is of the essence under this Agreement.

Section 10. Prohibition Against Transfer Of Property.

Borrower, until the full principal and all accrued interest of this loan is repaid, agrees not to make or create or suffer to be made any sale, assignment, conveyance or transfer of any of the property described at Section 4 of this Agreement or any interest therein, or agree to do any of the same without the prior written approval of Lender.

Section 11. Limitation Upon Encumbrance Of Property.

During the term of the Loan, Borrower shall not engage in any additional financing or any other transaction creating any lien or other encumbrance upon the Secured Property, other than the lien granted pursuant to this Agreement.

Section 12. Events Of Default.

A. Acceleration. Any of the following events shall constitute an Event of Default (whether any such event shall be voluntary or involuntary or come about or be effected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body) unless waived by Lender:

(1) Borrower shall fail to make any payment of principal or interest on the Note when the same becomes due and payable and said failure shall continue for a period of ten days;

(2) If Borrower fails to perform or observe any covenant, agreement or condition contained in this Agreement or in the Note, and said failure shall continue for a period of 60 days after notice from Lender;

(3) If any representation or warranty of Borrower contained in or made in writing pursuant to this Agreement shall prove to have been false, incorrect or misleading in any material respect on the date of such representation or warranty was made or deemed to have been made;

(4) Other Indebtedness. Any indebtedness of Borrower is not paid at maturity or becomes due and payable prior to its expressed maturity by reason of any default by Borrower in the performance or observance of any obligation or condition;

(5) Insolvency. Borrower becomes insolvent or admits in writing its inability to pay its debts as they mature, or applies for, consents to, or acquiesces in the appointment of a trustee or receiver for Borrower or any property thereof; or, in the absence of such application, consent, or acquiescence, a trustee or receiver is appointed for Borrower or for a substantial part of the property of Borrower and is not discharged within 60 days; or any bankruptcy, reorganization, debt arrangement, or other proceeding under any bankruptcy or insolvency law, or any dissolution or liquidation proceeding is instituted by or against the Company and if instituted against Borrower is consented to or acquiesced in by Borrower remains for 60 days undismissed; or any warrant of attachment is issued against any substantial portion of the property of Borrower which is not released within 60 days of service;

(6) The uninsured loss, substantial theft/damage, destruction or the sale or encumbrance of any of the Secured Property described in Section 4 of this Agreement; or the occurrence of a levy, seizure or attachment of such property;

(7) If any material statement, report or certificate made or delivered by Borrower or any of its officers, employees or agents, to Lender is not true and correct;

(8) If Borrower fails to pay any of its liabilities, when due and payable or declared due and payable;

(9) If Borrower is enjoined, restrained or in any way prevented by court order from conducting all of any material part of its business affairs, or if a petition under any chapter of the United States Bankruptcy Code or any similar law or regulation is filed against Borrower for its dissolution or liquidation;

(10) Except as may otherwise be permitted hereunder; if a notice of lien, levy or assessment is filed of record with respect to all or any of Borrower's assets by the United States or any department, agency or instrumentality thereof or by any state, county, municipal or other governmental agency.

B. No Waiver By Delay. Any delay by Lender in instituting or prosecuting any action or proceeding or otherwise asserting its rights shall not, as long as the breach or default by Borrower shall be continuing, operate as a waiver of such rights or deprive it of or limit such rights in any way (it being the intent of this provision that Lender should not be constrained, so as to avoid the risk of being deprived of or limited in the exercise of the remedies provided for in this Section because of concepts of waiver, laches, or otherwise to exercise such remedy at a time when it may still hope to otherwise resolve the problems created by the default involved; nor shall any waiver in fact be made by Lender with respect to any specific default by Borrower under this Section be considered or treated as a waiver of the rights of Lender with respect to any other defaults or of the same default on a future occasion made by Borrower under this Section.

Section 13. Remedies Upon Default.

A. In the case of the occurrence of an Event of Default pursuant to Section 12 the Note shall, at the discretion of Lender, without notice to Borrower or any other person, immediately become due and payable in full, together with all interest accrued thereon.

B. In the event of the occurrence of any Event of Default pursuant to Section 12, Lender may exercise any one or more or all of the following remedies, all of which are cumulative and non-exclusive:

(1) Any remedy contained in this Agreement;

(2) Any rights and remedies available to a secured creditor under the Uniform Commercial Code as enacted in Illinois as of the date of this Agreement, and any other applicable law.

Section 14. Equal Employment Opportunity.

A. Borrower agrees, for itself, its successors and assigns, that it will comply with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 200d) and its regulations as promulgated in 15 CFR Subtitle A, part 8, and any amendments thereto; 42 U.S.C. 3123 and its regulations promulgated in 13 CFR 311 and any amendments thereto, as well as following the equal employment provisions outlined below for the period of time covered by this Agreement as set forth in Section 6.

B. Borrower will not discriminate against any employee or applicant for employment because of race, color, national origin, religion, handicap or sex. Borrower will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, national origin, religion, handicap or sex. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Borrower agrees to post in conspicuous places, available for employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

C. The word "discrimination" as used herein shall be interpreted in accordance with federal law as construed by court decisions. The covenant may be enforced solely by the City of Chicago and solely against the party who breaches this covenant.

Section 15. Environmental Considerations.

The Company assured the E.D.C. that it will comply with the federal environmental requirements as found in the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Council of Environmental Quality Guidelines (36 CFR 79, April 23, 1971).

Section 16. Location of Facilities.

Borrower pledges to Lender that its facilities which are either to be constructed and/or improved with the proceeds of this Loan are located at 1115 West Fulton Street, Chicago, Illinois, and that in occupying these facilities they are not relocating from another labor area nor has Borrower discontinued, liquidated or curtailed during the past 24 months any production unit similar to that which will be located at the above address. Borrower's

expansion into the above-described property is not being undertaken with the intention of closing down or curtailing any already existing operation(s).

Section 17. Governing Law.

This Agreement is executed and delivered and is to be performed in the State of Illinois, and shall be construed and enforced in accordance with and governed by the laws of the State of Illinois, including all matters of construction, validity and performance.

Section 18. Additional Covenants and Conditions.

A. Affirmative Covenants. Borrower Will:

(1) Promptly notify Lender if and when any of Borrower's Equipment is placed in locations other than those identified in the Agreement.

(2) Maintain, preserve and keep its plants and properties in good repair, working order and condition.

(3) Promptly advise Lender in writing of the proposed opening of new places of business by Borrower or an affiliate of Borrower, or the closing of any existing places of business of Borrower or any affiliate of Borrower, of any changes in the name of Borrower or any affiliate of Borrower, or the use of any trade names by Borrower in its billing or any affiliate of Borrower, or of any material change in the condition of the Secured Property.

(4) Use all monies and other property obtained by Borrower from the Lender pursuant to this Agreement solely for business purposes of Borrower.

(5) Reimburse Lender on demand for all costs and expenses including reasonable Attorney's Fees, incurred by Lender in seeking to collect any Liabilities and to enforce any of Lender's rights under this Agreement.

(6) Notify Lender in writing, promptly upon its learning thereof, of any litigation affecting Borrower, whether or not the claim is considered by Borrower to be covered by insurance, and of the institution of any suit or administrative proceeding which may materially and adversely affect the operations, financial condition or business of Borrower's or Lender's security interest in the Secured Property.

Section 19. Severability.

Each covenant and agreement contained in this Agreement is intended to be, and shall be construed to be, a separate and independent covenant. If any term contained in this Agreement or the Note or any application thereof shall be invalid and unenforceable, the remainder of this Agreement and the Note and any other application of such term shall not be affected thereby.

In Witness Whereof, Borrower and Lender have caused this Agreement to be signed in their names and on their behalf as of the _____ day of _____, 19____.

[Signature forms omitted for printing purposes.]

Action Deferred - EXECUTION OF LOAN AND SECURITY
AGREEMENT WITH FIFTH CITY AUTOMOTIVE
SERVICE, INCORPORATED.

The Committee on Finance submitted the following report which was, on motion of Alderman Santiago and Alderman Mell, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance, to which was referred an ordinance authorizing the execution of a loan and security agreement with Fifth City Automotive Service, Inc., located at 212 South Kedzie Avenue, whereby Community Development Block Grant Funds will be lent for business expansion purposes in the amount of \$50,000, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

WHEREAS, The Department of Economic Development was established on the 10th day of February, 1982, by ordinance of the City Council of the City of Chicago with its primary purpose the creation of additional employment opportunities in the City of Chicago through the attraction and expansion of industrial development; and

WHEREAS, By ordinance passed June 6, 1984, the City Council of the City of Chicago authorized the Department of Economic Development to use up to \$1,500,000 of Year X Community Development Block Grant Funds for purposes of making loans to companies to assist their business expansion with good potential for successfully thereby benefiting the communities in which they are located; and

WHEREAS, Fifth City Automotive Services, Inc., a business venture located in the Lawndale community has applied to the Department of Economic Development for financial assistance in expanding its operations; and

WHEREAS, The Department of Economic Development has determined that the operation has good potential for success, and for creating new employment opportunities in the Lawndale community and it is a good candidate for assistance from the Department of Economic Development's loan program, known as the Business Development Loan Program; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Commissioner of the Department of Economic Development upon the granting of adequate security and review by the Corporation Counsel as to form and legality, is authorized to enter into and execute on behalf of the City of Chicago a Loan and Security Agreement to loan Fifth City Automotive Services, Inc. the sum of \$50,000 for purposes of expanding its business operations, said agreement being in substantially the form attached hereto as Exhibit A.

SECTION 2. This ordinance shall be effective by and from the date of its passage.

Exhibit A attached to this ordinance reads as follows:

This Agreement is entered into and executed this _____ day of _____, 19____, by and between the City of Chicago, Illinois, a Municipal corporation, by and through its Department of Economic Development ("Lender"), having its offices at 20 North Clark Street, Chicago, Illinois, and Fifth City Automotive Service, Inc., an Illinois corporation, with principal offices at 212 South Kedzie Avenue, Chicago, Illinois ("Borrower").

Recitals.

Whereas, Borrower has constructed an 18,000 square foot automotive service center located in the Lawndale Community; and

Whereas, Borrower desires to borrow and Lender desires to lend the sum of \$50,000 ("Loan") for business expansion purposes; and

Whereas, Borrower has agreed to provide adequate security to Lender.

Now, Therefore, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

Section 1. The Recitals above are incorporated herein and made a part of this Agreement.

Section 2. Consideration.

Lender hereby agrees, in consideration of Borrower executing this Agreement and agreeing to be bound by its terms to make the Loan to Borrower.

In consideration of Lender making the above-mentioned Loan Borrower agrees for itself, its successors and assigns, to be bound by the terms of this Agreement.

Section 3. Loan.

Lender agrees to Loan Borrower the sum of \$50,000 to be used as working capital for Borrower's business expansion program on the following terms and conditions.

- A. The term of the Loan shall be for six years from execution date of this Agreement.
- B. The Loan shall bear interest at the rate of 9% per annum simple interest on the principal balance outstanding from time to time.
- C. Repayment shall be made as follows
- a) for months 1 through 12 payments of interest only shall be made on the principal balance outstanding;
 - b) for months 13-72 equal monthly payments of principal and interest based upon a 60 month amortization schedule;
 - c) all payments shall be made on or before the 25th day of the month commencing the first full month after disbursement of Loan proceeds.

Section 4. Grant of Security Interest.

A. As security for the payment by Borrower of the Loan, its obligations hereunder and all other obligations of Borrower to Lender, Borrower hereby grants Lender a security interest in all personal and real property owned by Borrower and/or its parent company, Fifth City Industrial Promotion Corporation. Lender's security position shall be subordinate to that of Seaway National Bank, the senior lender in an amount not to exceed \$125,000.

B. The aforesaid grant of security interest shall be a condition precedent to any disbursement of proceeds under the Loan.

Section 5. Representations and Warranties of Borrower.

Borrower represents and warrants to the Lender that:

A. Corporate Status. It is a corporation duly organized and validly existing in good standing under the laws of the jurisdiction of its incorporation, with the corporate power and authority to own its properties and to transact the business in which it is engaged.

B. Corporate Power and Authority. It has the corporate power and authority to execute, deliver and carry out the terms and provisions of this Agreement and the Note executed thereunder, and all necessary corporate action with respect to the execution of the Agreement and all documents and instruments called for therein has been taken,

C. Binding Agreements. This Agreement constitutes a legal, valid and binding obligation of Borrower enforceable in accordance with its terms; the Note will, when issued by the Borrower, constitute the legal, valid and binding obligation of the Borrower enforceable against Borrower in accordance with its terms.

D. No Violation of Agreements. It is not in default in any respect under any indenture, mortgage, deed of trust, agreement, or other instrument to which it is a party or by which it is bound. Neither the execution by Borrower of this Agreement or the note issued hereunder, nor the consummation of this transaction, will violate any order or decree of any court or governmental instrumentality, or will conflict with or result in the

breach or default of any indenture, mortgage, deed of trust, agreement or other instrument to which it is a party or by which it is bound or, except as contemplated by this Agreement, result in the creation or imposition of any lien, charge, or encumbrance upon any of its property thereunder.

E. The office where the Borrower keeps Borrower's books and records concerning the Secured Property and Borrower's chief place of business and chief executive office is and will be located at the address of Borrower set forth on the first page of this Agreement.

Section 6. Maintaining Records and Right to Inspect.

All Borrower's books, records and other documents relating directly to the receipt and disbursement of the Loan shall be subject to audit and examination by any duly authorized representative of the Lender. Such right shall extend until one year after the total amount of the Borrower Loan, including principal and all accrued interest, is repaid by Borrower to Lender.

Section 7. Reporting Requirements.

Borrower is required to submit to Lender its annual financial statements audited by an independent certified public accountant satisfactory to the Lender, or, in the event such audited financial statements have not been compiled, a statement certified by an officer of Borrower, until the period set forth in Section 6 of the Agreement.

Section 8. Access to Project.

Borrower agrees that for the period set forth in Section 6 of this Agreement, any duly authorized representatives of Lender shall have, during normal business hours, access to any portion of premises owned, leased or otherwise occupied by Borrower.

Section 9. Time of the Essence.

Time is of the essence under this Agreement.

Section 10. Prohibition Against Transfer of Property.

Borrower, until the full principal and all accrued interest of this loan is repaid, agrees not to make or create or suffer to be made any sale, assignment, conveyance or transfer of any of the property described at Section 4 of this Agreement or any interest therein, or agree to do any of the same without the prior written approval of Lender.

Section 11. Limitation Upon Encumbrance of Property.

During the term of the Loan, Borrower shall not engage in any additional financing or any other transaction creating any lien or other encumbrance upon the Secured Property, other than the lien granted pursuant to this Agreement.

Section 12. Events of Default.

A. Acceleration. Any of the following events shall constitute an Event of Default (whether any such event shall be voluntary or involuntary or come about or be effected

by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body) unless waived by Lender:

(1) Borrower shall fail to make any payment of principal or interest on the Note when the same becomes due and payable and said failure shall continue for a period of ten days;

(2) If Borrower fails to perform or observe any covenant, agreement or condition contained in this Agreement or in the Note, and said failure shall continue for a period of 60 days after notice from Lender;

(3) If any representation or warranty of Borrower contained in or made in writing pursuant to this Agreement shall prove to have been false, incorrect or misleading in any material respect on the date of such representation or warranty was made or deemed to have been made;

(4) Other Indebtedness. Any indebtedness of Borrower is not paid at maturity or becomes due and payable prior to its expressed maturity by reason of any default by Borrower in the performance or observance of any obligation or condition;

(5) Insolvency. Borrower becomes insolvent or admits in writing its inability to pay its debts as they mature, or applies for, consents to, or acquiesces in the appointment of a trustee or receiver for Borrower or any property thereof; or, in the absence of such application, consent, or acquiescence, a trustee or receiver is appointed for Borrower or for a substantial part of the property of Borrower and is not discharged within 60 days; or any bankruptcy, reorganization, debt arrangement, or other proceeding under any bankruptcy or insolvency law, or any dissolution or liquidation proceeding is instituted by or against the Company and if instituted against Borrower is consented to or acquiesced in by Borrower remains for 60 days undismissed; or any warrant of attachment is issued against any substantial portion of the property of Borrower which is not released within 60 days of service;

(6) The uninsured loss, substantial theft/damage, destruction or the sale or encumbrance of any of the Secured Property described in Section 4 of this Agreement; or the occurrence of a levy, seizure or attachment of such property;

(7) If any material statement, report or certificate made or delivered by Borrower or any of its officers, employees or agents, to Lender is not true and correct;

(8) If Borrower fails to pay any of its liabilities, when due and payable or declared due and payable;

(9) If Borrower is enjoined, restrained or in any way prevented by court order from conducting all of any material part of its business affairs, or if a petition under any chapter of the United States Bankruptcy Code or any similar law or regulation is filed against Borrower for its dissolution or liquidation;

(10) Except as may otherwise be permitted hereunder; if a notice of lien, levy or assessment is filed of record with respect to all or any of Borrower's assets by the

United States or any department, agency or instrumentality thereof or by any state, county, municipality or other governmental agency.

B. No Waiver By Delay. Any delay by Lender in instituting or prosecuting any action or proceeding or otherwise asserting its rights shall not, as long as the breach or default by Borrower shall be continuing, operate as a waiver of such rights or deprive it of or limit such rights in any way (it being the intent of this provision that Lender should not be constrained, so as to avoid the risk of being deprived of or limited in the exercise of the remedies provided for in this Section because of concepts of waiver, laches, or otherwise to exercise such remedy at a time when it may still hope to otherwise resolve the problems created by the default involved; nor shall any waiver in fact be made by Lender with respect to any specific default by Borrower under this Section be considered or treated as a waiver of the rights of Lender with respect to any other defaults or of the same default on a future occasion made by Borrower under this Section.

Section 13. Remedies Upon Default.

A. In the case of the occurrence of an Event of Default pursuant to Section 12 the Note shall, at the discretion of Lender, without notice to Borrower or any other person, immediately become due and payable in full, together with all interest accrued thereon.

B. In the event of the occurrence of any Event of Default pursuant to Section 12, Lender may exercise any one or more or all of the following remedies, all of which are cumulative and non-exclusive:

- (1) Any remedy contained in this Agreement;
- (2) Any rights and remedies available to a secured creditor under the Uniform Commercial Code as enacted in Illinois as of the date of this Agreement, and any other applicable law.

Section 14. Equal Employment Opportunity.

A. Borrower agrees, for itself, its successors and assigns, that it will comply with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 200d) and its regulations as promulgated in 15 CFR Subtitle A, part 8, and any amendments thereto; 42 U.S.C. 3123 and its regulations promulgated in 13 CFR 311 and any amendments thereto, as well as following the equal employment provisions outlined below for the period of time covered by this Agreement as set forth in Section 6.

B. Borrower will not discriminate against any employee or applicant for employment because of race, color, national origin, religion, handicap or sex. Borrower will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, national origin, religion, handicap or sex. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Borrower agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

C. The word "discrimination" as used herein shall be interpreted in accordance with federal law as construed by court decisions. The covenant may be enforced solely by the City of Chicago and solely against the party who breaches this covenant.

Section 15. Environmental Considerations.

The company assured the EDC that it will comply with the federal environmental requirements as found in the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Council of Environmental Quality Guidelines (36 CFR 79, April 23, 1971).

Section 16. Location of Facilities.

Borrower pledges to Lender that its facilities which are either to be constructed and/or improved with the proceeds of this Loan are located at 212 South Kedzie Avenue, Chicago, Illinois, and that in occupying these facilities they are not relocating from another labor area nor has Borrower discontinued, liquidated or curtailed during the past 24 months any production unit similar to that which will be located at the above address. Borrower's expansion into the above-described property is not being undertaken with the intention of closing down or curtailing any already existing operation(s).

Section 17. Governing Law.

This Agreement is executed and delivered and is to be performed in the State of Illinois, and shall be construed and enforced in accordance with and governed by the laws of the State of Illinois, including all matters of construction, validity and performance.

Section 18. Additional Covenants and Conditions.

A. Affirmative Covenants. Borrower will:

(1) Promptly notify Lender if and when any of Borrower's Equipment is placed in locations other than those identified in the Agreement.

(2) Maintain, preserve and keep its plants and properties in good repair, working order and condition.

(3) Promptly advise Lender in writing of the proposed opening of new places of business by Borrower or an affiliate of Borrower, or the closing of any existing places of business of Borrower or any affiliate of Borrower, of any changes in the name of Borrower or any affiliate of Borrower, or the use of any trade names by Borrower in its billing or any affiliate of Borrower, or of any material change in the condition of the Secured Property.

(4) Use all monies and other property obtained by Borrower from the Lender pursuant to this Agreement solely for business purposes of Borrower.

(5) Reimburse Lender on demand for all costs and expenses including reasonable attorney's fees, incurred by Lender in seeking to collect any liabilities and to enforce any of Lender's rights under this Agreement.

(6) Notify Lender in writing, promptly upon its learning thereof, of any litigation affecting Borrower, whether or not the claim is considered by Borrower to be covered by insurance, and of the institution of any suit or administrative proceeding which may materially and adversely affect the operations, financial condition or business of Borrower's or Lender's security interest in the Secured Property.

Section 19. Severability.

Each covenant and agreement contained in this Agreement is intended to be and shall be construed to be, a separate and independent covenant. If any term contained in this Agreement or in the Note or any application thereof shall be invalid and unenforceable, the remainder of this Agreement and the Note and any other application of such term shall not be affected thereby.

In Witness Whereof, Borrower and Lender have caused this Agreement to be signed in their names and on their behalf as of the _____ day of _____, 19 _____.

[Signature forms omitted for printing purposes.]

*Action Deferred -- MUNICIPAL CODE AMENDED
ESTABLISHING NEW CHAPTER 10.1
ENTITLED "UNIFORM REVENUE
PROCEDURES".*

The Committee on Finance submitted the following report which was, on motion of Alderman Frost and Alderman Kelley, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred an ordinance amending the Municipal Code of the City of Chicago by establishing Chapter 10.1 entitled "Uniform Revenue Procedures", having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said ordinance transmitted with the foregoing committee report:

WHEREAS, The City of Chicago has numerous tax ordinances; and

WHEREAS, Those tax ordinances are not uniform as to penalty, interest, administrative provisions and procedures; and

WHEREAS, Greater uniformity is needed to create an effective City of Chicago tax structure; and

WHEREAS, An amnesty ordinance is pending; and

WHEREAS, The City, after such amnesty is over, needs to aggressively pursue its tax collection; and

WHEREAS, This ordinance confers broad and extensive powers to the Department of Revenue and the Director; and

WHEREAS, In both the Federal and State governments such powers conferred on the tax enforcement authority is balanced by the legislative branches via the Joint Committee of Congress and the Auditor General, respectively; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of Chicago is hereby amended by adding a new Chapter 10.1 provided that the Ordinance previously submitted shall be amended by adding the language underscored and deleting the language in brackets, to read as follows:

10.1-1A. This Chapter shall be known and cited as the "Uniform Revenue Procedures Ordinance", and shall be a supplement to all chapters of this code or other ordinances of the City that impose a tax or other revenue measure.

B. The provisions of this Chapter shall apply to the extent that they are not inconsistent with the provisions of such chapters or other ordinances they are supplementing. Except that 10.1-18 shall apply to all ordinances that impose a tax or revenue measure as well as all provisions affecting the Department of Revenue.

10.1-2. For the purpose of this Chapter, when any of the following words or terms are used herein shall have the meaning or construction ascribed to them in this section:

City: The term "City" shall mean the City of Chicago, Illinois.

City Council: The term "City Council" shall mean the City Council of the City.

Code: The term "Code" shall mean the Municipal Code of Chicago.

Department: The term "Department" or "Department of Revenue" shall mean the Department of Revenue of the City.

Director: The term "Director" or "Director of Revenue" shall mean the Director of Revenue of the City.

Person: The term "person" shall mean any natural individual, firm, society, foundation, institution, partnership, association, joint stock company, joint venture,

public or private corporation, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.

Tax: The term "tax" shall mean any sum payable, other than as interest, penalties or fines, pursuant to a revenue measure or tax ordinance imposed under any of the chapters of this Code [or any other ordinance] passed by the City Council.

Tax Collector: The term "tax collector" shall mean any person required to collect and remit any tax.

Tax Ordinance: The term "tax ordinance" shall mean any chapter of this Code or other ordinance passed by the City Council which imposes a tax.

Taxpayer: The term "taxpayer" shall mean any person required to pay any tax and upon whom the legal incidence of the tax is placed.

10.1-3A. For any tax ordinance that does not have an interest charge for late payment or underpayment of the tax imposed by such ordinance, an interest charge of 2% per month, or fraction thereof, shall apply to any such late payment or underpayment.

B. For any tax ordinance that does not have a penalty for late payment or underpayment of the tax imposed by such ordinance, a late penalty of 10% of the amount of the late payment or underpayment shall apply except that this penalty shall not apply if a late filing penalty as provided in Subsection C below is due.

C. For any tax ordinance that does not have a penalty for late filing of any remittance return or tax return, a late filing penalty of 10% of the amount of the total tax due, for the period the return is being filed, shall apply.

D. The penalties provided in Subsections B and C above shall not apply if the Director determines that the failure to pay or remit any tax or file any return was due to reasonable cause. The Department of Revenue shall issue Regulations which shall establish criteria as to what constitutes reasonable cause.

E. For any tax ordinance that does not have a penalty for willful failure to pay or remit any tax imposed by by such ordinance, a penalty of 20% of the amount of any late payment or underpayment shall apply, if the Director makes a determination that there was willful failure to pay or remit the tax.

F. Unless otherwise provided in the tax ordinance, payment or remittance of any tax imposed by such ordinance and the filing of any remittance or tax return shall be considered late unless it is physically received by the Department by the due date.

G. Unless otherwise provided in the tax ordinance, any payment received for a period will first be applied to penalties for said period, then to interest due for said period, then to tax due for said period [], unless the taxpayer specifically designates the payment to be applied to a specific item, e.g., tax, interest or penalty.

10.1-4.A. Every tax collector and taxpayer shall keep accurate books and records of the

or business or activity that requires him to collect or pay a tax, including original documents and books of entry denoting the transactions which gave rise or may have given rise to the tax liability. All such books and records which are required to be kept by this Chapter shall be kept in the English language and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

B. It shall be presumed that all tax, interest and penalties assessed by the Director are due and owing until the contrary is established. The burden of proving that any tax, interest or penalty is not due shall be upon the tax collector and taxpayer.

10.1-5.A. As to any tax ordinance, the Director is empowered to adopt, promulgate, and to enforce, rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of such tax ordinance, including provisions for the re-examination, correction and amendment of all returns. The Director is also empowered to assess tax, interest or penalty due under any tax ordinance, [and to compromise disputed claims in connection with these taxes.]

B. The Director, or any agent or employee designated in writing by him, is hereby authorized to examine the books and records of any tax collector or taxpayer during regular business hours, in order to verify the accuracy of any return made, or if no return was made to ascertain the tax imposed by this Chapter.

[C. The Director of Revenue and all investigators and employees of the Department who may be designated by the Director shall have full police powers to enforce the provisions of any tax ordinance, and shall have the right to arrest or cause to be arrested any person who violates any of the provisions of said tax ordinance.]

[D.] C. Any rule or regulation adopted under any tax ordinance or pursuant to this Chapter shall be published in one or more newspapers of general circulation in the City, no fewer than 10 days and no more than 30 days prior to its effective date.

10.1-6.A. If it shall appear to the Director that any person has violated any provision of a tax ordinance or any rule or regulation promulgated, or if the amount of any tax payment is incorrect in that it does not include all taxes payable for such period, or if the Director shall find that the collection of any taxes which have accrued but are not yet due will be jeopardized by delay, and declares said taxes to be immediately due and payable, or if it shall appear to the Director that he has made any final assessment which did not include taxes payable for the periods involved, or if it appears to the Director that any person has, by reason of any act or omission or by operation of law, become liable for the payment of any taxes, interest or penalties not originally incurred by him, the Director may in any of the above events determine and assess the amount of such taxes or deficiency, as the case may be, together with the interest and penalties due and unpaid, and immediately serve written notice upon such person of such determination and assessment and make a demand for payment of the tax together with interest and penalties thereon. If the person incurring any such liability has died, such assessment may at the discretion of the Director be made against his personal representative. Any person to whom a determination and assessment is issued by the Director shall have 20 days from the date of the receipt of a written notice thereof and a demand for payment to file with the Director a written protest and a petition for a hearing, specifying its objectives thereto.

Upon the receipt of such petition within the 20 days allowed, the Director shall fix the time and place for a hearing and shall notify the petitioner thereof. If a protest to a determination and assessment and a petition for a hearing is not filed within the 20-day period, the determination and assessment shall become final without further notice and without the necessity of a final assessment being issued, and such determination and assessment shall be deemed a final determination and assessment. The Director may amend his determination and assessment at any time before it becomes final. In the event of such amendment the person affected shall be given notice thereof and an opportunity to be heard in connection therewith. At any hearing held as herein provided, the determination and assessment that has been made by the Director shall be prima facie correct and the burden shall be upon the protesting person to prove that it is incorrect. Upon the conclusion of such hearing a decision shall be made by the Director either cancelling, increasing, modifying or affirming such determination and assessment and notice thereof given to the petitioner. Such notice shall contain a statement by the Director of the cost of the certification of the record computed at the rate of 5 cents per 100 words, which cost shall be charged to the petitioner if the determination or assessment is affirmed. The record shall consist of the notices and demands caused to be served by the Director, the original determination and assessment of the Director, the written protest and petition for hearing, the testimony introduced at such hearing, the exhibits produced at such hearing, or certified copies thereof, the decisions of the Director and such other documents in the nature of pleadings filed in the proceeding.

B. Whenever any person shall fail to pay any tax, the City's Corporation Counsel shall, upon the request of the Department, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

C. If the Mayor of the City, after hearing held by or for him, shall find that any person has willfully evaded payment or remittance of any tax, he may suspend or revoke all City licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing to be held not less than 7 days after notice is given to him of the time and place of the hearing to be held, addressed to him at his last known place of business. Pending notice, hearing and finding, any license issued by the City possessed by said person may be temporarily suspended. Any suspension or revocation of any license shall not release or discharge said person from his civil liability for the payment or collection and remittance of the tax, nor from prosecution for such offense.

10.1-7.A. For the purpose of administering and enforcing the provisions of this Chapter or any tax ordinance, the Department, or any officer or employee of the Department designated, in writing, by the Director thereof, may conduct investigations and hearings concerning any matters covered by this Chapter or any tax ordinance and may examine any books, papers, records or memoranda bearing upon the business or activities of any such person, and may require the attendance of such person or any officer or employee of such person, or of any person having knowledge of such business, and may take testimony and require proof for its information. In the conduct of any investigation or hearing authorized by this Chapter or any other tax ordinance, neither the Department nor any officer or employee thereof shall be bounded by the technical rules of evidence, and no informality in any proceeding, or in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made or approved or confirmed by the Department. The Director, or any officer or employee of the Department authorized by the Director thereof, shall have power to administer oaths to such persons. The books, papers, records and memoranda of the Department or parts thereof, may be proved in any hearing,

investigation, or legal proceeding by a reproduced copy thereof under the certificate of the Director. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding.

B. The Department or any officer or employee of the Department designated in writing by the Director, shall at his own instance, or upon the written request of any other party to the proceeding, issue subpoenas requiring the attendance of and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda. All subpoenas and subpoenas duces tecum issued under the terms of this Chapter may be served by any person over 18 years of age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of this State; such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Department or any officer or employee thereof, such fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department, in its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum issued as aforesaid shall be served in the same manner as a subpoena issued by the circuit court.

Any circuit court of this State, or any judge thereof, upon the application of the Department or any officer or employee thereof, or upon the application of any other party to the proceeding, may, in its or his discretion, compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the Department or any officer or employee thereof conducting an investigation or holding a hearing authorized by this Chapter, by an attachment for contempt, or otherwise, in the same manner as production of evidence may be compelled before said court.

The Department or any officer or employee thereof, or any other party in an investigation or hearing before the Department, may cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda.

10.1-8. Any officer or employee of any corporate taxpayer or corporate tax collector who has the control, supervision or responsibility of filing tax returns or remittance returns and making payment of or remitting the amount of tax imposed by any tax ordinance, and who willfully fails to file such return or to remit or make such payment to the Department shall be personally liable for such amounts [including interest and penalties thereon,] to the extent such amounts of tax are collected by the corporate taxpayer or tax collector for the City and are then remitted to the City. [in] IN the event that after proper proceedings for the collection of such amounts, such corporation is unable to pay such amounts to the Department; and the personal liability of such officer or employee as provided herein shall survive the dissolution of the corporation.

10.1-9. Any tax collector or taxpayer who is required to file a remittance or tax return with the Department on a monthly, quarterly, yearly or other periodic basis and who is selling or transferring any business which requires him to collect or pay a tax or which is directly related to the activity which requires him to collect or pay a tax, or a major part of

the assets of such business, other than a sale of assets (including inventory) in the ordinary and usual course of his business, is required to file a notice of such intended sale or transfer with the Department at least [45] 30 days prior to the date of such sale or transfer, setting forth the name of the seller or transferor, purchaser or transferee, a description of the property or business sold, the amount of the purchase or transfer price and such other information as the Department may reasonably request. Within 30 days after such sale or transfer such seller or transferor shall file any remittance returns and pay any tax due and not paid up to the date of the sale or transfer. At least [45] 30 days before the sale or transfer referred to above takes place, the purchaser or transferee shall also file a notice of intended sale or transfer with the Department, setting forth the same information as required in the seller's or transferor's notice and further requesting that the Department perform an audit of the seller's or transferor's books and records or to do whatever else is necessary to determine how much tax is due up to the date of sale or transfer. The purchaser's or transferee's notice may be made in conjunction with the seller's or transferor's notice. If the purchaser or transferee fails to file the notice as required herein, the purchaser or transferee shall be personally liable to the Department for the amount of tax, interest and penalty owed by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee. If a notice is filed, the Department shall notify both the seller (or transferor) and the purchaser (or transferee) of the amount to be withheld from the purchase or transfer price to cover all taxes, interest and penalties due under any tax ordinance and unpaid up to the date of sale or transfer. The purchaser or transferee shall withhold this amount from the purchase or transfer price or if payment of money or property is not involved, he shall withhold the performance that constitutes consideration for the sale or transfer, until the seller or transferor produces a receipt from the Department showing that such tax, interest and penalty had been paid or a certificate from the Department showing no tax is due. The purchaser or transferee is relieved of any duty to withhold from the purchase or transfer price and shall have no liability for tax, interest or penalty due hereunder from the seller or transferor, if the Department fails to notify the purchaser or transferee of such amount claimed due at least five days before the date of such sale or transfer. If the purchaser or transferee is notified by the Department of the amount to be withheld from the purchase or transfer price and does withhold such amount, the purchaser's or transferee's liability for any tax, interest or penalty hereunder shall be limited to the amount withheld. If the purchaser or transferee fails to withhold from the purchase or transfer price the amount requested by the Department, the purchaser or transferee shall be liable for any tax, interest or penalty due in excess of any amount withheld, but not exceeding the amount of the reasonable value of the property acquired by him. The purchaser or transferee shall pay over to the Department any amount withheld hereunder upon notification of the refusal of the seller or transferor to pay any tax, interest or penalty due and upon notification of the Department's claim against the purchaser or transferee for such money. Nothing in this section shall be construed to relieve the seller or transferor of his liability for tax, interest and penalty due from him, except that any payments received from the purchaser or transferee as provided herein shall reduce such liability payable to the Department.

10.1-10. Any tax required to be collected by any tax collector pursuant to any tax ordinance, and any tax collected by such tax collector, shall constitute a debt owed by such tax collector to the City.

10.1-11. For tax ordinances which do not already provide for a refund, whenever it appears that an amount of tax, interest or penalty has been paid in error to the Department of Revenue by the person remitting or paying the tax directly to the Department as opposed to remitting or paying the tax to a tax collector, such person, may file a claim, not later than three years from the date upon which such payment was made, for credit or refund with the Department on forms provided by said Department for that purpose. Such claim shall only be allowed if such amount is paid through a mistake of fact or an error of law other than an error resulting from the tax, any of its provisions or its application being declared invalid or unconstitutional. No credit or refund shall be allowed for any amount paid by such taxpayer unless it appears that he bore the burden of such amount and did not shift the burden to another person, or if he did shift such burden that he unconditionally repaid such amount to said person before filing his claim.

B. Any credit or refund that it allows under this Section shall bear interest at the rate of [one-half] three quarters of one percent [(1/2%)] (3/4%) per month, or any fraction thereof, from the date when the erroneous payment for which credit or refund is being allowed was made to the Department, until a credit memorandum is issued or a refund is paid.

C. A claim for credit or refund shall be considered to have been filed with the Department on the date upon which it is received by the Department, and receipt of any claim for credit or refund filed under this Section shall be acknowledged by the Director or any designated person on his behalf, said receipt to describe the claim in sufficient detail as to identify it, and to state the date upon which the claim was received by the Department.

D. As soon as practicable after a claim for credit or refund is filed, the Director, or his designate, shall examine the same and determine the amount of credit or refund due, if any, and shall issue a Notice of Tentative Determination of Claim and notify the claimant of such determination. If the claimant disagrees with the determination, he shall file a protest and challenge thereto within 20 days after the date of Notice of Tentative Determination of Claim has been mailed to him. Upon receipt of such protest within 20 days allowed, the Director, or his designate, shall fix the time and place for a hearing thereon, giving notice to the claimant thereof, not less than 7 days prior thereto. At any hearing held as herein provided, the Tentative Determination of Claim shall be prima facie correct and the burden shall be upon the claimant to prove that it is incorrect. Upon the conclusion of the hearing, a decision shall be made by the Director and notice thereof given to the claimant. In the event no protest or challenge to the Tentative Determination of Claim is filed within the 20 day period hereinabove set forth, said notice shall thereafter become and operate as a final determination.

E. The Director may in his discretion issue a letter of credit to a claimant who may be able to use said credit in the foreseeable future, or a refund certificate in lieu of a credit memorandum on application by a person who cannot use said credit, or sell, or assign the same. Refund certificates shall be numbered serially as they are issued and shall be paid in the order of their issuance from funds that are appropriated to the Department for that purpose.

10.1-12.A. In addition to any other remedy provided by law, the Department shall have a lien, for any tax imposed, or interest or penalty that may be due, upon all real and personal property located or found within the City which is owned by any person to whom

a final assesement or revised final assessment has been issued pursuant to this Chapter or any tax ordinance. Such lien shall not be effective against any purchaser with respect to any item in a person's stock in trade purchased from the person in the usual course of such person's business. Notice of such lien on real property shall be filed by the Department with the Registrar of Titles or the Recorder of Deeds of the county in which the real property is located. The Department shall issue "a final notice prior to lien" requesting payment, ten (10) days prior to the filing of a lien. Notice of such lien on personal property shall be filed by the Department with the Illinois Secretary of State.

B. Nothing in subsection A above shall be construed to give the Department a preference over the rights of any mortgagee, judgment creditor or other lien holder arising prior to the filing of the Department notice of lien.

C. In addition to any other remedy provided by this Chapter or otherwise by law, the Department may foreclose on its lien on real property to the same extent and in the same manner as in the enforcement of other liens. No proceedings to foreclose shall be instituted more than 7 years after the filing of the Department's notice of lien, except that this time limitation period shall not run during any period of time in which a review is pending on the assessment which is the basis for the lien or in which an order of any court has the effect of enjoining or restraining the Department from instituting the foreclosure proceedings.

D. In addition to any other remedy provided by this Chapter or otherwise by law, the Department may enforce its lien on personal property by distraint and sale of such personal property. The Department must first demand payment of the assessed amount, and if after 10 days following receipt of the demand, the person who was assessed fails to pay the amount due and if a review is not pending, the Department may issue a warrant requesting the sheriff of the county within which the property is located to levy upon the property and rights to property of such person found within the City for payment of the amount of tax, interest, penalty and costs due. The sheriff may seize and sell such property found within the City and return to the City the money collected by virtue thereof. No proceedings shall be commenced more than 7 years after the notice of lien was filed.

E. All fees for the recording of notices of liens or releases of liens shall be added to the sum payable by the person who owned the property subject to the lien.

10.1-13. Whenever notice is required by this Chapter, such notice may be given by United States registered or certified mail, addressed to the person concerned at his last known address, and proof of such mailing shall be sufficient for the purposes of this Chapter. Notice of any hearing provided for by this Chapter shall be so given not less than 14 days prior to the day fixed for the hearing. Following the initial contact of a person represented by an attorney, the Department shall not contact the person concerned but shall only contact the attorney representing the person concerned.

All hearings provided for in this Chapter shall be at the Department's office.

10.1-14. All information received by the Department from returns or reports filed under this Chapter or any tax ordinance, or from any investigation conducted under this Chapter or any tax ordinance, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a

Proper judicial order or as otherwise provided by law, shall be punished by a jail sentence not to exceed six months or by a fine not to exceed \$500[.] or both.

Nothing in this Chapter prevents the Director from publishing or making available to the public [the names and addresses of persons filing returns or reports under this Chapter, or] reasonable statistics concerning the operation of a tax by grouping the contents of returns so the information in any individual return is not disclosed.

Nothing in this Chapter prevents the Director from divulging to the United States Government or the government of any state, or any officer or agency thereof, for exclusively official purposes, information received by the Department in administering this Chapter, provided that such other governmental agency agrees to divulge requested tax information to the Department.

The furnishing of information to a seller or purchaser under section 10.1-8 of this Chapter is an official purpose within the meaning of this section.

The furnishing upon request of the City's auditor or his authorized agent, for official use, of returns or reports filed and information related thereto under this Chapter is deemed to be an official purpose within the meaning of this Section.

10.1-15. Except in the case of a fraudulent return, or in the case of an understatement of 25% or more of the tax liability on a return, or in the case of a failure to file a return, or with the consent of the person to whom the notice of the tax liability or determination and assessment is to be issued, no notice of tax liability or determination and assessment shall be issued for any period more than [5] 3 years after the date the return for said period was filed with the Department. If an amended return was filed for any period, the [5] 3 years starts running from the date the amended return was filed [.] to the extent of the liability disclosed on the amended return.

10.1-16. Any person found guilty of willfully violating, disobeying, [neglecting,] or refusing to comply with any of the provisions of this Chapter or of any tax ordinance except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$200.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense in any 180-day period, provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1983, Ch. 110, par. 1-101, et seq.). A person who commits repeated offenses in excess of three within any 180-day period may also be punished as committing a misdemeanor by incarceration in the County Jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1983, Ch. 24, par. 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Ill. Rev. Stat. 1983, Ch. 38, pars. 100-1, et seq.) in a separate proceeding. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist, after notification thereof.

10.1-17. If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid application or provisions, and to this end each such invalid provision or invalid

application of this Chapter is severable, unless otherwise provided by this Chapter. Any invalidity of this Chapter or its provisions shall not affect the tax ordinances or their provisions supplemented by this Chapter.

10.1-18.A. The Finance Committee, in addition to the powers granted unto it under the terms of the Municipal Code of the City of Chicago, shall have the power to investigate the operations and effects of the City of Chicago taxes and tax systems; to investigate the administration of such taxes by the Department of Revenue or any executive department establishment or agency charged with their (taxes) administration; and to make such other investigation in respect to such system of taxes as the Finance Committee may deem necessary.

B. The Finance Committee shall publish from time to time, for public examination and analysis, its findings, conclusions and results of any review and investigation.

C. The Finance Committee, upon approval of the Chairman of said Committee is authorized to secure directly from the Department of Revenue information, suggestions, data, rulings estimates and statistics for the purpose of making investigations reports and studies, relating to the City of Chicago's tax structure, policy and administration. In the study or investigation of the City of Chicago's tax policy, structure and administration, the Finance Committee is authorized to secure directly from the Department of Revenue such tax returns, or copies of tax returns and other relevant information as the Committee deems necessary for such study or investigation, and the Department of Revenue is authorized and directed to furnish such tax returns to the Finance Committee together with a brief report with respect to each tax return, as to any action taken or proposed to be taken by the Department as a result of any audit of the return.

D. Nothing contained herein shall prevent the Finance Committee from commissioning an outside auditor or consultant to perform such audit, review or investigation on its behalf and report such finds to the Finance Committee.

E. The Finance Committee or its delegates shall be subject to the same disclosure requirements set forth in §10.1-14 of this Ordinance.

SECTION 2. This ordinance shall take effect ten days after passage and due publication.

**Placed on File -- REPORT OF SETTLEMENTS OF SUITS AGAINST
CITY DURING MONTHS OF APRIL AND MAY, 1984.**

The Committee on Finance submitted a report recommending that the City Council Place on File two communications from the Department of Law listing judgments entered against the City of Chicago in personal injury cases for the months of April and May, 1984.

On motions of Alderman Burke, the committee's recommendation was Concurred In and said communication and report was Placed on File.

**COMMITTEE ON ADMINISTRATION, REORGANIZATION
AND PERSONNEL.**

Action Deferred -- ESTABLISHMENT OF EMPLOYEE BENEFITS
OFFICE AT CITY HALL.

The Committee on Administration, Reorganization and Personnel submitted the following report, which was, on motion of Alderman Natarus and Alderman Madrzyk, *Deferred* and ordered published:

CHICAGO, December 7, 1984.

To the President and Members of the City Council:

Your Committee on Administration, Reorganization and Personnel was referred an order (on November 14, 1984) that the Bureau of Employee Benefits establish an office at 121 North LaSalle Street, Chicago, to service City Employees begs leave to recommend that Your Honorable Body *Pass* the propose order transmitted herewith.

This order was concurred in by the entire committee with no dissenting votes.

Respectfully submitted,
(Signed) JOHN S. MADRZYK,
Chairman.

The said proposed order transmitted with the foregoing committee report reads as follows:

Ordered, That the Bureau of Employee Benefits establish an office at 121 N. LaSalle Street, Chicago, to service City Employees.

COMMITTEE ON BUILDINGS.

CHAPTERS 83 AND 85 OF MUNICIPAL CODE AMENDED
CONCERNING ALLOCATION OF WATER
FROM LAKE MICHIGAN.

The Committee on Buildings submitted the following report:

CHICAGO, December 3, 1984.

To the President and Members of the City Council:

Your Committee on Buildings having had under consideration a communication from the Honorable Harold Washington, Mayor, four proposed ordinances (which were referred on May 9, 1984) amending Chapters 83 and 85 of the Municipal Code of Chicago, begs leave to recommend do *Pass* proposed ordinances as follows:

Chapter 83, Section 83-6.1, relating to air conditioning and refrigeration systems -- do *Pass* as amended, and which is transmitted herewith;

Chapter 83, Section 83-42, adding new section to be known as Section 83-42.1 relating to recycling systems for vehicle wash installations -- do *Pass* said proposed ordinance which is transmitted herewith;

Chapter 83, Section 83-47, relating to the flow pressure and flow rate for flushing plumbing fixtures, do *Pass* as amended and which is transmitted herewith; and,

Chapter 85, Section 85-60, relating to water usage for refrigeration systems -- do *Pass* said proposed ordinance transmitted herewith.

These recommendations were concurred in by the members of the committee with no dissenting vote.

Respectfully,
(Signed) FRED B. ROTI,
Chairman.

On motion of Alderman Roti, the said proposed ordinances, transmitted with the foregoing committee report were *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schuller, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

The following are said proposed ordinances as passed (the italic heading in each case not being a part of the ordinance):

Chapter 83, Section 83-6.1

(Air Conditioning and Refrigeration Systems).

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 83, Section 83-6.1, of the Municipal Code of Chicago, is hereby amended by adding the language in italics below, and deleting the language bracketed below as follows:

[83-6.1 No owner or agent or contractor shall install in any building or structure in the City of Chicago any air-conditioning system in which water is to be used for cooling the refrigerant or for other cooling purposes without first having obtained a permit for such installation in accordance with the provisions of this chapter. Any owner or agent or contractor who shall install an air-conditioning system in which water is to be used for cooling the refrigerant or for other cooling purposes without having obtained a

permit therefor shall be subject to a fine of not less than \$25.00 nor more than \$200.00 for each offense and every day such violation shall continue shall constitute a separate and distinct offense. Added. Coun. J. 3-9-62, P. 6835.]

83-6.1 All new or newly-remodeled refrigeration systems employing water from the City mains for condensing purposes in the process of providing space air conditioning for commercial, industrial or residential use shall be closed air conditioning systems employing recirculation of cooling water to conserve water. Any and all exceptions to this provision will be permitted only by action of the Commissioner of Water.

Any owner, agent or contractor who shall install an air conditioning system in which water is to be used for cooling the refrigerant or for other cooling purposes without having obtained a permit, therefor, shall be subject to a fine of not less than \$50.00 nor more than \$500 for each offense and each day subject violation shall continue a separate and distinct offense.

SECTION 2. This ordinance shall take effect after date of passage.

*Chapter 83, Section 83-42
(Recycling Systems for Vehicle Wash Installations).*

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 83-42, of the Municipal Code of Chicago, is hereby extended to include Section 1, Chapter 83-42.1 by adding the language in italics below, as follows:

Recycling Systems for Vehicle Wash Installations.

83-42.1 All new or newly remodeled commercial and industrial vehicle wash installations shall be equipped with a water recycling system to conserve water. The system shall be composed of a water reuse tank and all necessary piping to insure the cycling of water for more than one washing operation.

SECTION 2. This ordinance shall take effect after date of passage.

*Chapter 83, Section 83-47
(Flow Pressure and Flow Rate for Flushing Plumbing Fixtures).*

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 83, Section 83-47, of the Municipal Code of Chicago, is hereby amended by adding the language in italics below and deleting the language bracketed below, as follows:

83-47. All plumbing fixtures shall be provided with a sufficient supply of water to maintain them in a sanitary condition. The minimum flow rate of any individual outlet shall not be less than as listed in Table 83-47-A of this code.

TABLE 83-47A

Location	Flow Pressure (psi)	Flow Rate (gpm)
Ordinary basin faucet	8	1.50
Self-closing basin faucet	8	1.50
Sink faucet, 3/8"	8	1.25
Sink faucet, 1/2"	8	1.25
Bathtub	8	2.50
Laundry tub cock, 1/2"	8	2.50
Shower	8	2.50
Ball-cock for closet	8	1.25
Flushometer valve for closet	15	15.40
Flushometer valve for urinal	10	15.0
Drinking fountains	8	.40

In all new construction and in all repair and/or replacement of fixtures or trim, only fixtures and trim not exceeding the following flow rates and/or water usage shall be installed.

<i>Water Closets, tank type</i>	<i>3.5 gallons per flush</i>
<i>Water Closets, flushometer type</i>	<i>3.0 gallons per flush</i>
<i>Urinals, flushometer type</i>	<i>3.0 gallons per flush</i>
<i>Shower heads</i>	<i>3.0 gallons per minute</i>
<i>Lavatory, sink faucets</i>	<i>3.0 gallons per minute</i>

Urinals, tank type are not permitted in new construction.

In all new construction and replacement of fixtures, faucets or lavatories located in restrooms intended for public use shall be of the self closing type.

1) Every water closet, urinal or similar fixture designed to be cleaned by flushing shall be supplied with a sufficient quantity of water to remove quickly all waste matter and properly cleanse the interior surfaces exposed to the atmosphere. Every water closet, [urinal] or similar fixtures shall be flushed by means of a flushing tank or flushometer valve. *Every urinal shall be flushed by means of a flushometer valve.*

2) Flushing Tanks. Each water closet flushing tank shall have a flushing capacity of [not less than four (4)] *three and one-half (3.5) gallons.* [and each urinal flushing tank a flushing capacity of not less than two (2) gallons.] Each flushing tank shall be equipped with a flush valve, [except that a urinal flush tank may be equipped with an automatic siphon valve.] No water closet flushing pipe shall be less than one and one-fourth (1- $\frac{1}{4}$) inches internal diameter and no water from flushing tanks shall be used for any other purpose than that herein described.

Each flush tank shall have a float valve equipped with an approved vacuum breaker a minimum of one (1) inch above the overflow pipe and shall be provided with a refill pipe to replenish the trap seal of the fixture, [except that a urinal flush tank with an

automatic siphon valve shall have a control valve and the outlet opening shall be a minimum distance of one (1) inch above the overflow rim of such tank.]

3) The words (critical level) shall mean the mark on a vacuum breaker established by the manufacturer and stamped - CL. This determines the minimum elevation above the flood level rim or top of the fixture, whichever shall apply, at which the device shall be installed. When a vacuum breaker does not bear a critical level marking the bottom of the vacuum breaker shall constitute the level.

4) Flushometer Valve. Flushometer valves shall be so installed that they will be accessible for repairing. When the valve is operated, it shall complete the cycle of operating automatically, opening fully and closing positively under the water pressure. At each operation, the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be provided for regulating flush valve flow.

Not more than one fixture shall be served by a single flush valve, [except that a battery of not more than three urinals may be flushed with a single one (1) inch flush valve when such valve is automatically timed.]

Every flushometer valve for a water closet or similar fixture shall be only used in combination with an approved atmospheric vacuum breaker installed on the discharge side of the flushometer valve. The bottom of a vacuum breaker, or the critical level line shown on the vacuum breaker, shall not be less than six (6) inches above the flood level rim of the fixture. Flushometer valves for urinals with siphon jet action and water inlet openings at or below the flood level rim of the fixture shall only be used in combination with an approved atmospheric vacuum breaker installed on the discharge side of the flushometer valve. The bottom of a vacuum breaker or the critical level line shown on the vacuum breaker; shall not be less than six (6) inches above the top of the urinal. [Trough urinals shall be equipped with approved vacuum breakers installed on the discharge side of the last valve. The bottom of a vacuum breaker, or the critical level line shown on the vacuum breaker, shall not be less than twelve (12) inches above the spray pipe.]

Except in residential units all flushometer valve actuating handles shall be a minimum of twenty-four (24) inches above the spill line of the closet bowl.

5) Every bidet shall be supplied with hot and cold water. An approved atmospheric vacuum breaker shall be installed on the discharge side of the control valve. The bottom of a vacuum breaker, or the critical level line shown on the vacuum breaker, shall not be less than six (6) inches above the flood level rim of the bidet. The water temperature to this fixture shall not exceed 100°F.

SECTION 2. This ordinance shall take effect after date of passage.

Chapter 85, Section 85-60

(Water Use For Refrigeration Systems).

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 85, Section 85-60, of the Municipal Code of Chicago, is hereby amended by adding the language in italics below, as follows:

85-60

K. To promote the conservation of water, no new or newly remodeled refrigeration system employing water from the City mains for condensing purposes in the process of providing space air conditioning for commercial, industrial or residential use will be permitted if it is not a closed air conditioning system employing recirculation of cooling water. Any and all exceptions to this provision will be permitted only by action of the Commissioner of Water.

SECTION 2. This ordinance shall take effect after date of passage.

CHAPTER 49 OF CHICAGO MUNICIPAL CODE AMENDED
CONCERNING FIRE-RESISTIVE REQUIREMENTS FOR
CERTAIN TYPES OF CONSTRUCTION.

The Committee on Buildings submitted the following report:

CHICAGO, December 3, 1984.

To the President and Members of the City Council:

Your Committee on Buildings having had under consideration a communication from the Honorable Harold Washington, Mayor, a proposed ordinance (which was referred on October 31, 1984) that Chapter 49, Section 49-8 of the Municipal Code of Chicago regulating the fire-resistive requirements for certain types of construction, begs leave to recommend that Your Honorable Body do *Pass* said proposed ordinance which is transmitted herewith.

This recommendation was concurred in by the members of the committee with no dissenting vote.

Respectfully submitted,
(Signed) FRED B. ROTI,
Chairman.

On motion of Alderman Roti, the said proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schuler, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That Section 49-8 of the Municipal Code be amended by adding the items in italics to Table 49-8:

[Table 49-8 printed on page 11599 of this Journal.]

SECTION 2. That Section 49-8 of the Municipal Code be amended by adding the language in italics to the Notes pertaining to Table 49-8:

- (o) *Fire protection shall not be required for exterior structural members of Business, Residential and Assembly (other than exhibition halls) occupancies when the building is equipped with a supervised standard automatic sprinkler system as defined in Chapter 91 of this code and does not exceed fifty-five (55) feet in height. Fire protection shall not be required for exterior columns or portions of beams or girders which are outside of the building envelope, face a public way not less than thirty feet in width and do not support exterior floors or walkways intended for normal human occupancy.*
- (p) *Fire protection shall not be required for roof construction including columns, beams, girders, and trusses supporting the roof only of areas classified per Chapter 91 as "Light Hazard Occupancy" in Business, Residential and Assembly (other than exhibition halls) occupancies in buildings equipped with a supervised standard automatic sprinkler system as defined in Chapter 91 of this code.*

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication.

COMMITTEE ON CLAIMS AND LIABILITIES.

CHAPTER 5 OF MUNICIPAL CODE AMENDED.

The Committee on Claims and Liabilities submitted the following proposed ordinance transmitted therewith:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That Chapter 5 of the Municipal Code of Chicago is hereby amended by inserting therein, in its proper numerical sequence, a new section to be known as Section 5-6 and to read as follows:

(Continued on page 11600)

TABLE 49-8. REQUIRED HOURS OF FIRE-RESISTANCE FOR
TYPES OF CONSTRUCTION

Description	Type I Fire Resistive			Type II Non-Combustible	Type III Exterior Protected			Type IV Combustible	
					Heavy Timber	Ordinary		Frame	
	Type I-A	Type I-B	Type I-C		Type III-A	Type III-B	Type III-C	Type IV-A	Type IV-B
1. Exterior Bearing Walls	4 (d)	3 (d)	2	N.C.	4 (d)	3 (d)	3 (d)	1	½ (e)
2. Exterior Non-Bearing Wall									
Outside Exposure	2 (d)	2 (d)	2 (d)	N.C.	2 (d)	2 (d)	2 (d)	1	
Inside Exposure (a)	4	3	2	N.C.	2	2	2	1	½ (e)
Inside Exposure (b)	3	2	2	N.C.	2	2	2	1	½ (e)
Inside Exposure (c)	2	2	1	N.C.	1	1	1	1	½ (e)
3. Interior Bearing Walls	4	3	2	N.C.	3	1 (j)	½ (e)	1	½ (e)
4. Interior Non-Bearing Walls & Partitions	(g)	(g)	(g)	(g)	(g)	½ (e)	½ (e)	(g)	½ (e) (1)
5. Exterior Columns	4 (p) (o)	3 (p) (o)	2 (p) (o)	N.C.	4	2	2	1	½ (e)
6. Interior Columns									
Supporting Roofs Only	3 (k) (p)	2 (k) (p)	1 (k) (p)	N.C.	(h)	½ (f)	½ (f)	½ (f)	½ (f)
Other Columns	4	3	2	N.C.	(h)	1	½ (e)	1	½ (e)
7. Beams, Girders & Trusses									
Supporting Roofs Only	2 (k) (o) (p)	2 (k) (p) (o)	1 (k) (o) (p)	N.C.	(h)	1	½ (f)	½ (f)	½ (f)
Other beams, girders & Trusses	3 (o)	2 (o)	1 (o)	N.C.	(h)	1	½ (e)	1	½ (e)
8. Floor Construction	3 (o)	2 (o)	1 (o)	N.C.	(h)	1	½ (e)	1	½ (e)
9. Roof Construction	2 (k) (o) (p)	2 (k) (p) (o)	1 (k) (o) (p)	N.C.	(h)	½ (f)	½ (f)	½ (f)	½ (f) (1)

(Continued from page 11598)

5-6. The City Clerk shall deliver without delay to the Committee on Claims and Liabilities of the City Council all statements of claims against the City which he shall receive from the members of the public at large. Such statements shall be typed on approved forms before submission to the City Clerk.

SECTION 2. This ordinance shall be effective immediately upon passage, and shall apply to all claims submitted after September 30, 1984.

On motion of Alderman Kotlarz, the proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

COMMITTEE ON LOCAL TRANSPORTATION.

AMENDMENT OF TAXICAB STAND 349 ON PORTION OF NORTH CLARK STREET.

The Committee on Local Transportation submitted a report recommending that the City Council pass the following proposed ordinance transmitted therewith (which was referred to the committee on October 16, 1984):

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That an ordinance passed by the City Council June 7, 1957, page 5550 of the Journal of Proceedings, establishing the following Taxicab Stand:

Stand No. 349

On North Clark Street, along the east curb, beginning at a point 20 feet north of the intersection of North Clark Street and North Halsted Street and extending 80 feet north thereof, 4 vehicles,

be and the same is hereby repealed, and said taxicab stand is hereby abolished.

SECTION 2. This ordinance shall be in full force and effect from and after its passage

On motion of Alderman Marzullo, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Obe man, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

ESTABLISHMENT OF TAXICAB STAND 553 ON PORTION
OF NORTH KIMBALL AVENUE.

The Committee on Local Transportation submitted a report recommending that the City Council pass the following proposed ordinance transmitted therewith (which was referred to the committee on November 14, 1984):

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Pursuant to Section 27-412 of the Municipal Code of Chicago, there is hereby established a taxicab stand, to be known by the designated number, for the number of vehicles stated at the following location:

Stand No. 553

On North Kimball Avenue, along the east curb, from a point 20 feet south of C.T.A. exit drive (south of Belmont Avenue) to a point 20 feet south thereof, 1 cab.

SECTION 2. It shall be unlawful for the operator of any vehicle other than a taxicab to stand or park such vehicle in the space occupied by said taxicab stand, except that the operator of any passenger vehicle may stop temporarily in such space for the purpose of and while actually engaged in the loading or unloading of passengers, as provided by Section 27-326 of the Municipal Code of Chicago.

SECTION 3. Any person violating the provisions of this ordinance shall be subject to the penalty provided for in Section 26-363 of the Municipal Code of Chicago, which provides that "every person convicted of a violation of any of the provisions of this chapter for which no penalty is specifically provided shall be punished by a fine of not more than two hundred dollars for each offense."

SECTION 4. This ordinance shall be in full force and effect from and after its passage and due publication.

On motion of Alderman Marzullo, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

ESTABLISHMENT OF TAXICAB STAND 554 ON
PORTION OF N. KEDZIE AVENUE.

The Committee on Local Transportation submitted a report recommending that the City Council pass the following proposed ordinance transmitted therewith (which was referred to the committee on November 14, 1984):

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Pursuant to Section 27-412 of the Municipal Code of Chicago, there is hereby established a taxicab stand, to be known by the designated number, for the number of vehicles stated, at the following location:

Stand No. 554

On North Kedzie Avenue, along the west curb, from a point 15 feet south of Emmett Street to a point 40 feet south thereof, 2 cabs.

SECTION 2. It shall be unlawful for the operator of any vehicle other than a taxicab to stand or park such vehicle in the space occupied by said taxicab stand, except that the operator of any passenger vehicle may stop temporarily in such space for the purpose of and while actually engaged in the loading or unloading of passengers, as provided by Section 27-326 of the Municipal Code of Chicago.

SECTION 3. Any person violating the provisions of this ordinance shall be subject to the penalty provided for in Section 27-363 of the Municipal Code of Chicago, which provides that "every person convicted of a violation of any of the provisions of this Chapter for which no penalty is specifically provided shall be punished by a fine of not more than two hundred dollars for each offense."

SECTION 4. This ordinance shall be in full force and effect from and after its passage and due publication.

On motion of Alderman Marzullo, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schuller, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

AUTHORITY GRANTED TO AMEND BUS STAND ON
PORTION OF WEST JACKSON BOULEVARD.

The Committee on Local Transportation submitted a report recommending that the City Council pass the following amendatory ordinance transmitted therewith (which was referred to the committee on October 16, 1984):

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That an ordinance passed by the City Council on April 7, 1965, printed on pages 4533-34 of the Journal of the Proceedings of said date, which established a bus stand between the hours of 7:00 A.M. and 9:00 A.M. (except on Saturdays, Sundays and holidays) on S. Canal Street (east side) from W. Jackson Boulevard to a point 203 feet south thereof, be and the same is hereby amended by striking therefrom the following language:

"from W. Jackson Boulevard to a point 203 feet south thereof"

and inserting in lieu thereof

from a point 85 feet south of the south property line of W. Jackson Boulevard to a point 215 feet south thereof -- Tow Zone.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

On motion of Alderman Marzullo, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schuller, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

CHICAGO TRANSIT AUTHORITY MEMORIALIZED TO INSTALL
BUS PASSENGER SHELTER ON PORTION OF NORTH
PULASKI ROAD.

The Committee on Local Transportation, to which had been referred (on November 28, 1984) a proposed order to memorialize the Chicago Transit Authority to give consideration to installation of bus passenger shelter at designated location, submitted a report recommending that the City Council pass said proposed order.

On motion of Alderman Marzullo, the said proposed order was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schuler, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

The following is said order as passed:

Ordered, That the Committee on Local Transportation memorialize the Chicago Transit Authority to give consideration to the installation of a bus passenger shelter in front of No. 5800 N. Pulaski Road (Senate Apts. for Senior Citizens Center).

COMMITTEE ON ZONING.

CHICAGO ZONING ORDINANCE AMENDED TO
RECLASSIFY PARTICULAR AREAS.

The Committee on Zoning submitted the following report:

CHICAGO, December 4, 1984.

To the President and Members of the City Council:

Your Committee on Zoning begs leave to recommend that Your Honorable Body *Pass* the proposed ordinances transmitted herewith (referred to your committee on June 20, September 6, 25, October 1, 16, 31 and November 14, 1984) to amend the Chicago Zoning Ordinance for the purpose of reclassifying particular areas.

This recommendation was concurred in by 8 members of the committee, with no dissenting vote.

Respectfully submitted,
(Signed) TERRY M. GABINSKI,
Chairman.

(Signed) EDWARD R. VRDOLYAK,
Vice-Chairman.

On motion of Alderman Roti, the committee's recommendations were *Concurred In* and *each* of the said proposed ordinances was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

The following are said ordinances as passed (the italic heading in each case not being a part of the ordinance):

Reclassification of Area Shown on Map No. 1-H.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the R4 General Residence District symbols and indications as shown on Map No. 1-H in area bounded by

W. Washington Boulevard; a line 75.35 feet east of and parallel to North Damen Avenue; the alley south of and parallel to W. Washington Boulevard; and N. Damen Avenue,

to those of a C1-3 Restricted Commercial District, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 2-G.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the M1-3 Restricted Manufacturing District symbols and indications as shown on Map No. 2-G in area bounded by

W. Van Buren Street; S. Green Street; a line 200.13 feet south of and parallel to the south line of W. Van Buren Street; and the alley next west of and parallel to S. Green Street,

to those of a C3-4 Commercial Manufacturing District, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 3-H.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the R5 General Residence District symbols and indications as shown on Map No. 3-H in the area bounded by

a line 117 feet north of W. Chicago Avenue; N. Hoyne Avenue; W. Chicago Avenue; and a line 110 feet west of N. Hoyne Avenue,

to those of a B4-5 Restricted Service District and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 3-H.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the R5 General Residence District symbols and indications as shown on Map No. 3-H in the area bounded by

W. Rice Street; N. Hoyne Avenue; a line 117 feet north of W. Chicago Avenue; and a line 148.3 feet West of N. Hoyne Avenue,

to those of a C1-2 Restricted Commercial District and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 3-K.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the B4-1 Restricted Service District symbols and indications as shown on Map No. 3-K in the area bounded by

the alley north of W. Division Street; a line 125 feet west of N. Pulaski Road; W. Division Street; and N. Pulaski Road,

to those of an R3 General Residence District and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 4-H.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the M2-2 General Manufacturing District symbols and indications as shown on Map No. 4-H in area bounded by

W. 17th Street; S. Wolcott Avenue; W. 18th Street; and a line from a point 126.25 feet to a point 126.12 feet west of and parallel to S. Wolcott Avenue,

to those of an R4 General Residence District, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 5-J.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the B4-1 Restricted Service District symbols and indications as shown on Map No. 5-J in the area bounded by

the alley next north of W. Armitage Avenue; a line 84.5 feet east of N. Sawyer Avenue; W. Armitage Avenue; and a line 59.5 feet east of N. Sawyer Avenue,

to those of an R3 General Residence District and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 5-K.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the B4-1 Restricted Service District symbols and indications as shown on Map No. 5-K in the area bounded by

W. Armitage Avenue; a line 108 feet east of N. Kedvale Avenue; the alley next south of W. Armitage Avenue; and a line 83 feet east of N. Kedvale Avenue,

to those of an R3 General Residence District and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 5-L.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the B4-1 Restricted Service District symbols and indications as shown on Map No. 5-L in area bounded by

W. Fullerton Avenue; a line 327.83 feet east of and parallel to N. Leclair Avenue; the alley next south of and parallel to W. Fullerton Avenue; and a line 203.27 feet east of and parallel to N. Leclair Avenue,

to those of a C1-1 Restricted Commercial District, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 7-N.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the R2 Single-Family Residence District symbols and indications as shown on Map No. 7-N in area bounded by

a line 69.58 feet south of and parallel to W. Diversey Avenue; N. Oak Park Avenue; a line 102.91 feet south of and parallel to W. Diversey Avenue; and the alley next west of and parallel to N. Oak Park Avenue,

to those of a B1-1 Local Retail District, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 9-K.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the C1-1 Restricted Commercial District symbols and indications as shown on Map No. 9-K in the area bounded by

N. Milwaukee Avenue; N. Keeler Avenue; the alley next north of W. Roscoe Street; the alley southwest of N. Milwaukee Avenue; and N. Tripp Avenue,

to those of a B2-1 Restricted Retail District and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 11-I.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the C1-2 Restricted Commercial District symbols and indications as shown on Map No. 11-I in area bounded by

a line 150.73 feet north of and parallel to W. Cullom Avenue; N. California Avenue; W. Cullom Avenue; and the alley next west of and parallel to N. California Avenue,

to those of a B4-2 Restricted Service District, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 13-H.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the B3-3 General Retail District symbols and indications as shown on Map No. 13-H in the area bounded by

W. Ainslie Street; the alley next east of and parallel to N. Western Avenue; the alley next north of and parallel to W. Lawrence Avenue; a line 28 feet west of N. Claremont Avenue; W. Lawrence Avenue; and N. Western Avenue,

to those of a B1-3 Local Retail District, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 14-N.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, be, and is hereby amended by supplementing all the M1-2 Restricted Manufacturing District symbols and indications as shown on Map 14-N to reflect the establishment of a Communications Planned Development for the erection of two Earth Station Receiving Dishes located on the ground northeast of and on the same lot as the existing multi-story printing plant located at 5959 South Harlem, Chicago, Illinois, 60638.

SECTION 2. This Communications Planned Development is specifically for the erection of the Earth Station Receiving Dish above described and in no way affects, alters or prejudices the existing zoning district regulations applicable to any other improved or unimproved portions of the above described area.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 15-P.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the B5-1 General Service District symbols and indications as shown on Map No. 15-P in area bounded by

W. Higgins Road; a line 634.83 feet east of and parallel to N. East River Road; a line 998.762 feet south of and parallel to W. Higgins Road (John F. Kennedy Expressway); and N. East River Road,

to those of a Planned Development District, and a corresponding use district is hereby established in the area above described.

[Planned Development printed on pages 11612 through
11619 of this Journal.]

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 16-N.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the M1-2 Restricted Manufacturing District symbols and indications as shown on Map No. 16-N in area bounded by

W. 64th Place; the alley next east of and parallel to S. Harlem Avenue; a line 92.85 feet south of and parallel to W. 64th Place; and S. Harlem Avenue,

to those of an R3 General Residence District, and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 18-K.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, be, and is hereby amended by supplementing all the Institutional Planned Development No. 216 District symbols and indications as shown on Map 18-K to Institutional Planned Development No. 216 as amended to reflect the establishment of an Earth Station Receiving Dish located on the same lot as the existing Richard J. Daley College located at W. 75th Street and Pulaski Road, Chicago, Illinois.

(Continued on page 11620)

SKIDMORE, OWINGS & MERRILL

O'HARE PLAZA - STAGE II
Business Planned Development
Plan of Development
Statements

1. This Plan of Development, consisting of twelve (12) statements, an "Existing Zoning" map, a "Boundary and Property Line" map, a "Generalized Land Use Plan," a "Preferential Street Map," and a "Plan of Development Use, Bulk Regulations and Data" table, stipulates the controls applicable to the area delineated in this plan as the "Business Planned Development," and no others shall apply. This Plan demonstrates that the proposed use and development of the delineated area is in accordance with the intent and purpose of the Chicago Zoning Ordinance, is in substantial conformity with the requirements thereof, and satisfies the criteria for approval as a Planned Development.
2. The Applicant, ConGen Properties, Inc., controls the beneficial interest of the two land trusts that compose the area delineated herein as "Business Planned Development," except that portion in public rights-of-way. Legal title to the southern portion of the area delineated herein is currently owned by American National Bank and Trust Co. of Chicago, not individually, but as Trustee under Trust Agreement dated July 19, 1968 and known as Trust No. 26704. Legal title to the northern portion of the area delineated herein is owned by American National Bank and Trust Co. of Chicago, not individually, but as Trustee under Trust Agreement dated July 19, 1984 and known as Trust No. 61653.

ConGen Properties, Inc., the Applicant, is a Delaware corporation which is a wholly owned subsidiary of CIGNA Real Estate, Inc., also a Delaware corporation. CIGNA Real Estate, Inc. is a wholly owned subsidiary of CIGNA Investment Group, Inc., a Delaware corporation which is a wholly owned subsidiary of CIGNA Holdings, Inc., another Delaware corporation. CIGNA Holdings, Inc. is a wholly owned subsidiary of the Delaware corporation CIGNA Corporation.
3. The Applicant or its successors, assignees or grantees, or such other person or party as may then own or control the area delineated herein, shall obtain all official reviews, approvals, licenses, and permits.

APPLICANT: ConGen Properties, Inc.
ADDRESS: 11 South LaSalle Street
Chicago, Illinois 60603
(c/o Equity Associates Incorporated)
DATE: August 30, 1984

SKIDMORE, OWINGS & MERRILL

4. The following shall be permitted within the area delineated herein as "Business Planned Development": general office; business and related commercial; financial and service-type uses, including restaurants and uses accessory to such uses; and off-street parking and loading facilities.
5. Off-street parking and loading facilities shall be provided in compliance with the Plan of Development.
6. Any dedication or vacation of streets and alleys or easements or grants of privilege or any adjustment of rights-of-way shall require a separate submittal on behalf of the Applicant or the person or party then in ownership or control of the area delineated herein.
7. Service drives or any other ingress or egress shall be adequately designed and paved in accord with the regulations of the Department of Streets and Sanitation and in compliance with the Municipal Code of Chicago to provide ingress and egress for motor vehicles, including emergency vehicles. There shall be no parking permitted within such paved areas.
8. Business and business identification signs and temporary signs, including but not limited to construction and marketing signs, may be permitted within the area delineated herein as "Business Planned Development," subject to the review and approval of the Department of Planning.
9. For purposes of calculating the maximum floor area ratio (FAR), building floor space devoted to mechanical equipment shall not be counted as floor area, and the grade level shall be defined as that which corresponds to Level One (elevation +69.94 CCD) of the existing buildings located on the site.
10. The height restriction of each building and any appurtenance attached thereto shall be subject to:
 - a. height limitations as certified on Form FAA-117, or on successor form or forms covering the same subject matter, and approved by the Federal Aviation Administration; and
 - b. airport zoning regulations as heretofore established by the Department of Planning, Department of Aviation, and Department of Law, as approved by the City Council.

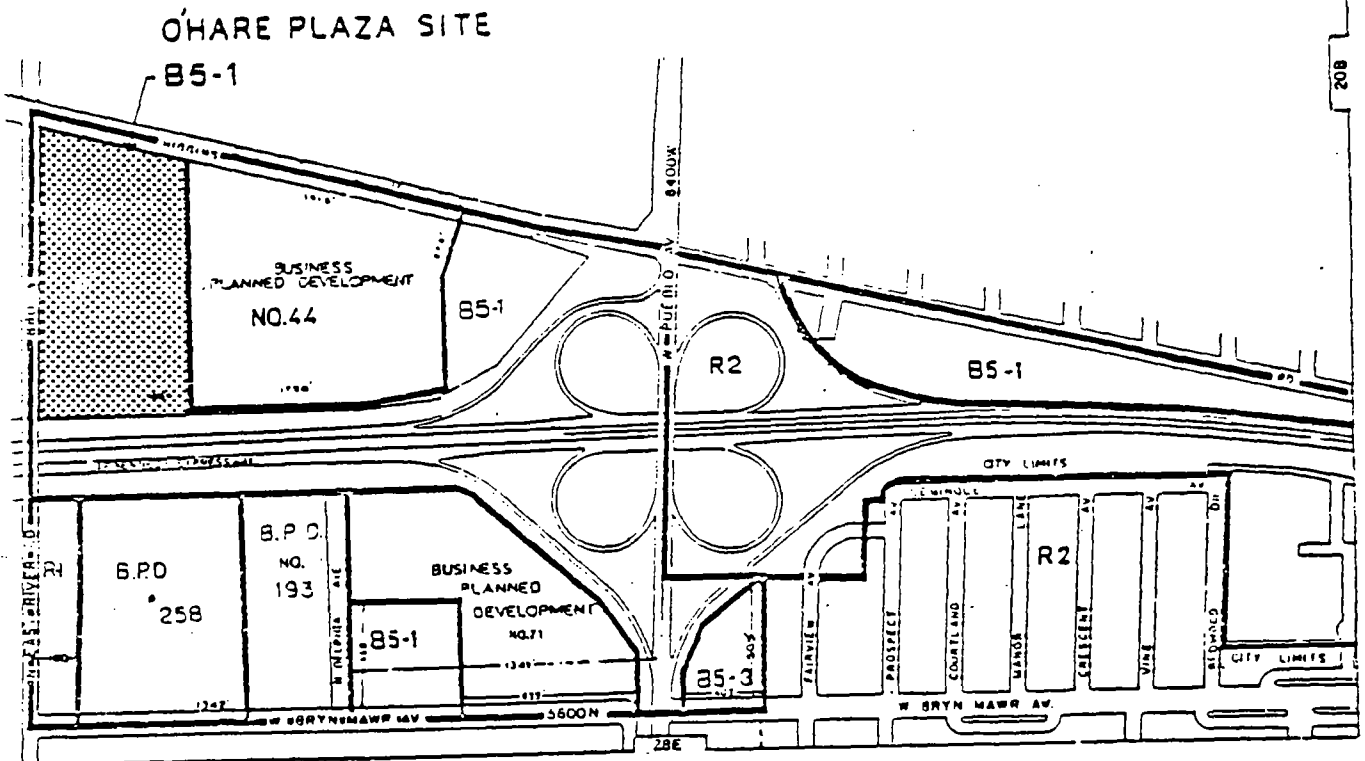
APPLICANT: ConGen Properties, Inc.
ADDRESS: 11 South LaSalle Street
Chicago, Illinois 60603
(c/o Equity Associates Incorporated)
DATE: August 30, 1984

SKIDMORE, OWINGS & MERRILL

11. The data contained herein concerning the property included in said Planned Development and data concerning a generalized land use plan (site plan) illustrating the development of said property are made part of this Planned Development ordinance.
12. The Plan of development hereby attached shall be subject to the "Rules, Regulations and Procedures in Relation to Planned Developments," as promulgated by the Commissioner of the Department of Planning.

APPLICANT: ConGen Properties, Inc.
ADDRESS: 11 South LaSalle Street
Chicago, Illinois 60603
(c/o Equity Associates Incorporated)
DATE: August 30, 1984

EXISTING ZONING MAP



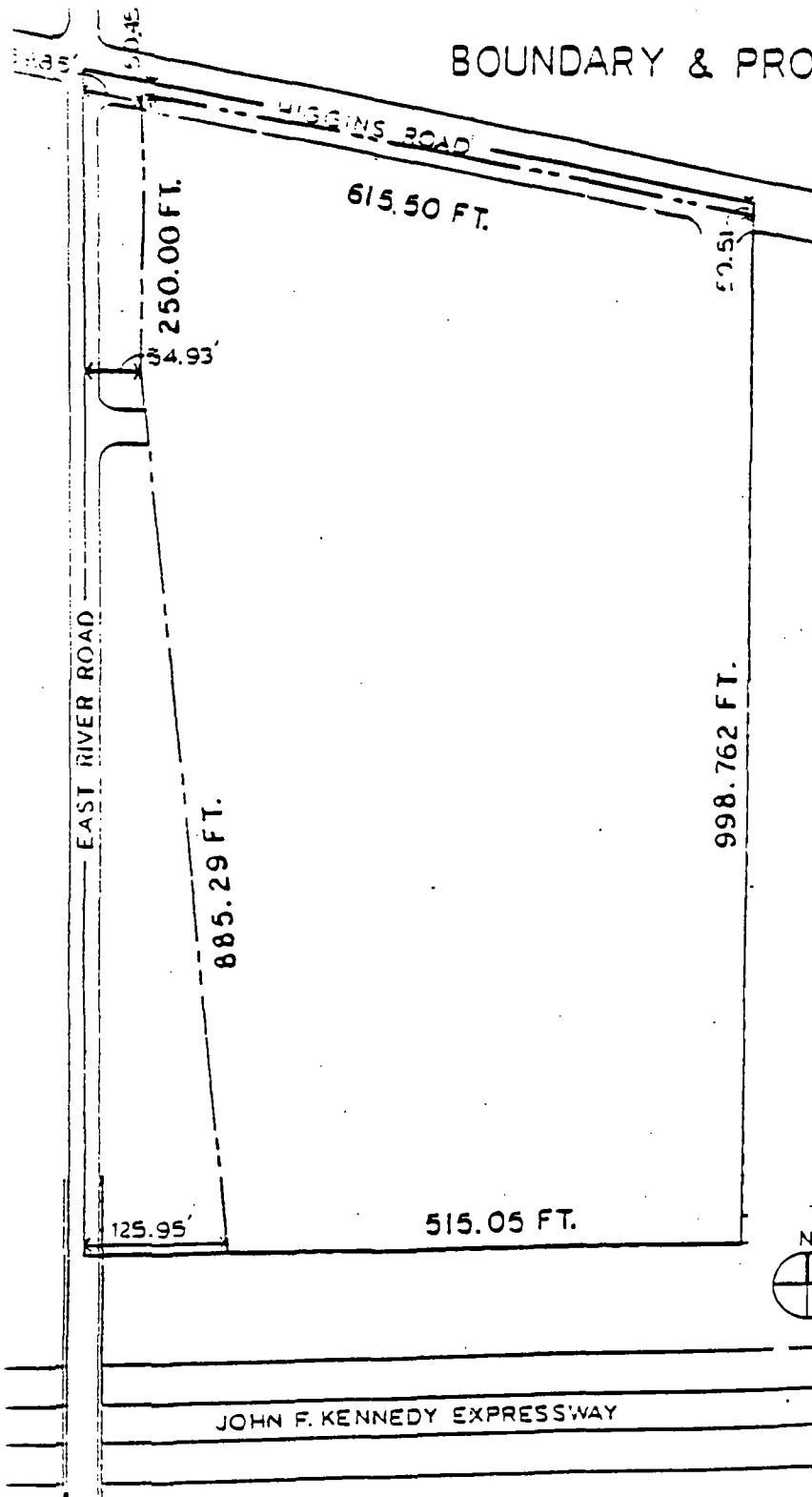
LEGEND

-  PLANNED DEVELOPMENT
-  ZONING DISTRICT BOUNDARIES

APPLICANT: CONGEN PROPERTIES, INC.

ADDRESS: 11 SOUTH LASALLE STREET · CHICAGO, ILLINOIS 60603
C/O EQUITY ASSOCIATES INCORPORATED

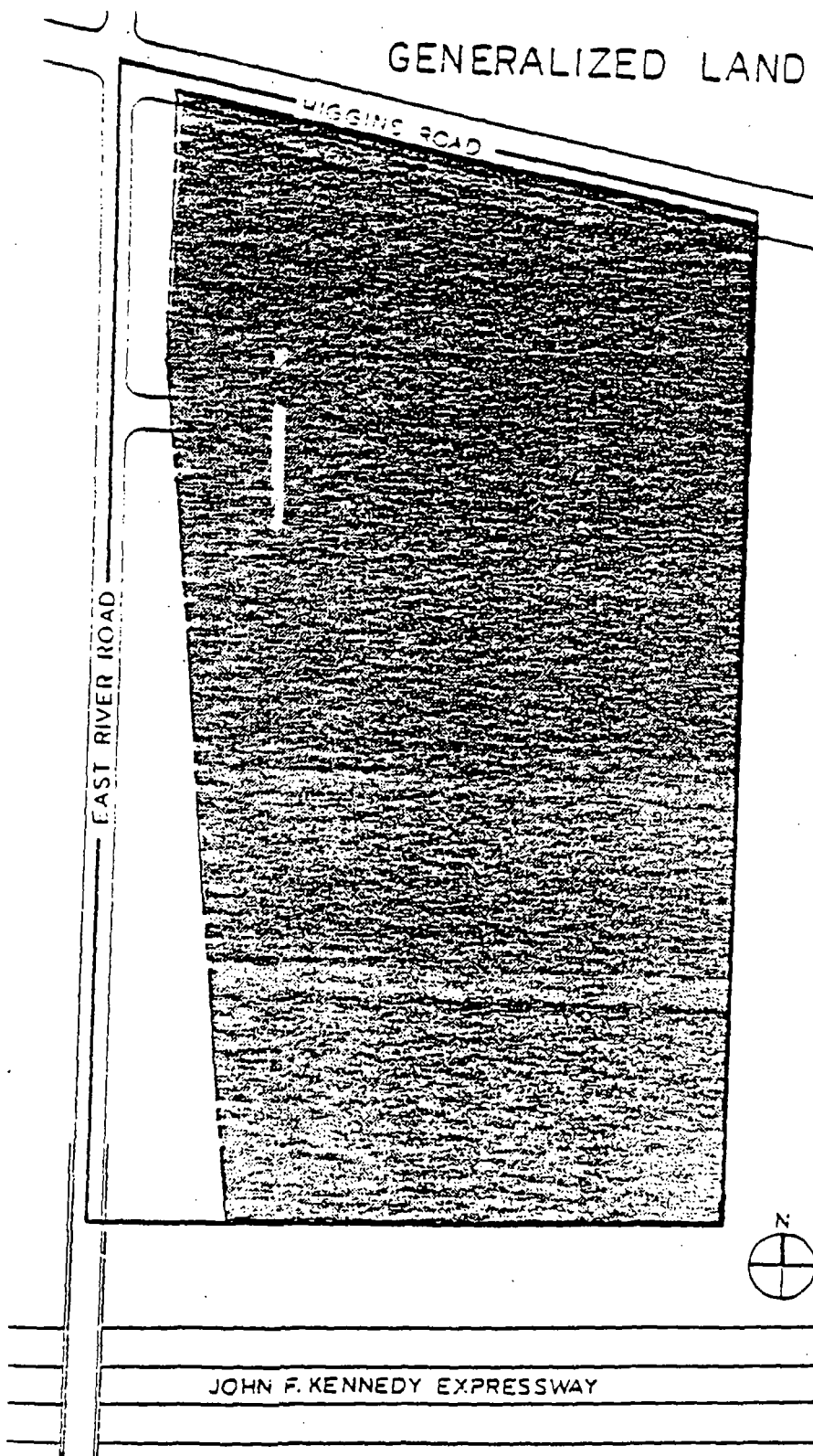
BOUNDARY & PROPERTY LINE MAP



APPLICANT: CONGEN PROPERTIES, INC.

ADDRESS: 11 SOUTH LASALLE STREET • CHICAGO, ILLINOIS 60603
C/O EQUITY ASSOCIATES INCORPORATED

GENERALIZED LAND USE PLAN

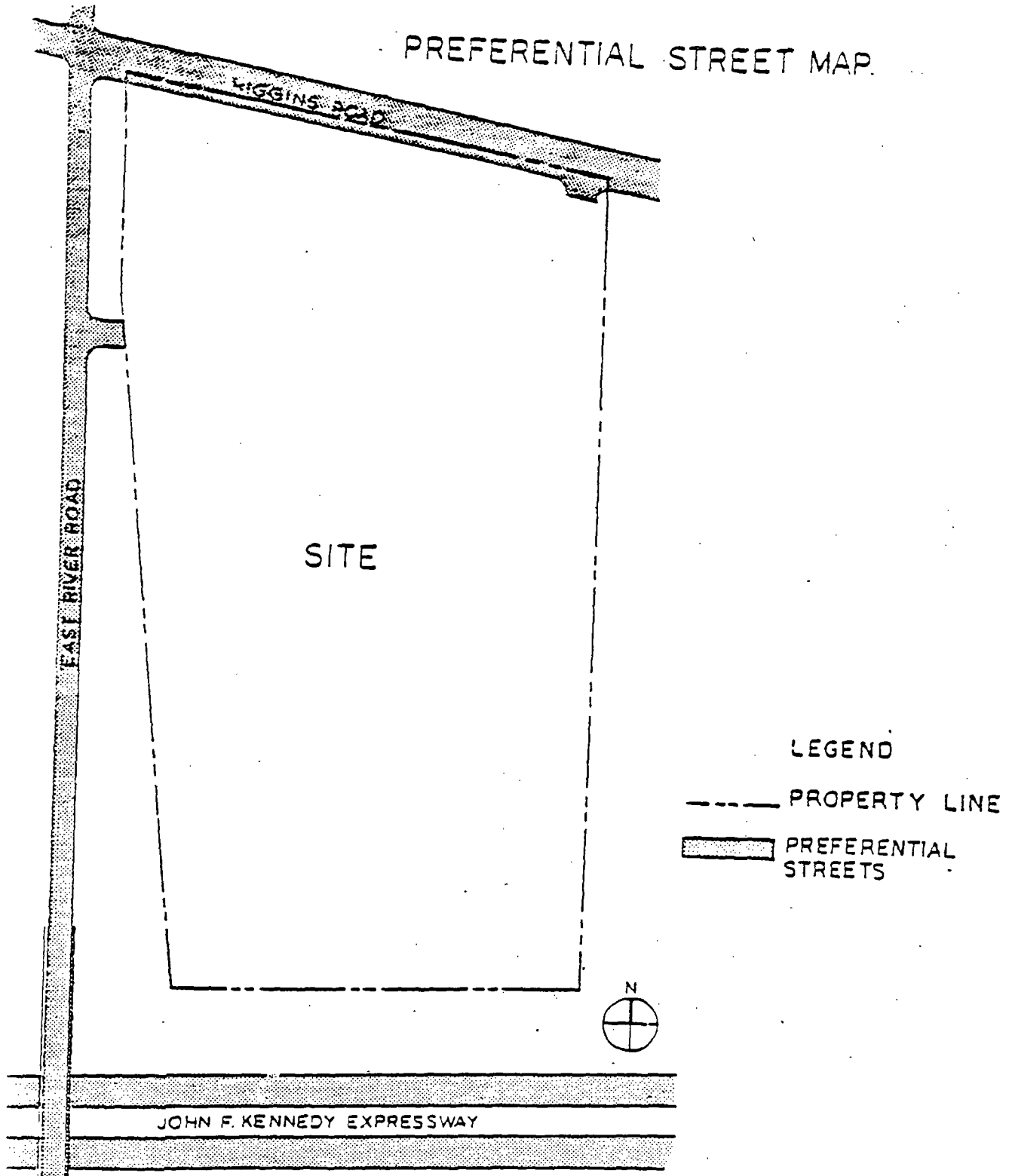


LEGEND

- PROPERTY LINE
- PLANNED DEVELOPMENT BOUNDARY
-  GENERAL SERVICES DISTRICT, PROFESSIONAL OFFICES, RETAIL FACILITIES & COMMERCIAL ESTABLISHMENTS.

APPLICANT: CONGEN PROPERTIES, INC.

ADDRESS: 11 SOUTH LASALLE STREET · CHICAGO, ILLINOIS 60603
C/O EQUITY ASSOCIATES INCORPORATED



APPLICANT: CONGEN PROPERTIES, INC.

ADDRESS: 11 SOUTH LASALLE STREET - CHICAGO, ILLINOIS 60603
C/O EQUITY ASSOCIATES INCORPORATED

O'HARE PLAZA - STAGE II

Business Planned Development
 Plan of Development Use, Bulk Regulations, and Data

Site Area		General Description of Land Use	Maximum FAR	Maximum % of Land Coverage
Square Feet	Acres			
625,649.8	14.36	General office; business and related commercial; financial and service-type uses, including restaurants and uses accessory to such uses; and off-street parking and loading facilities.	1.38	35%*

Gross Site Area
 [Net Site Area (14.36 acres) +
 Area in Public Rights-of-Way
 (2.93 acres)] = 17.29 acres

Minimum Off-Street Loading Spaces = 6 berths, each 10' x 25' in dimension with a 14' vertical clearance

Minimum Off-Street Parking Spaces = 1,719

Maximum % of Land Coverage = 35%*

* The maximum percentage of land coverage includes principal structures at or above Level One (ele. +69.94 CCD). This figure does not include structures dedicated specifically to parking. Inclusion of these structures results in maximum land coverage of 45%.

(Continued from page 11611)

SECTION 2. This Communications Planned Development is specifically for the erection of the Earth Station Receiving Dish above described and in no way affects, alters or prejudices the existing zoning district regulations applicable to any other improved or unimproved portions of the above described area.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

Reclassification of Area Shown on Map No. 26-F.

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the C1-1 Restricted Commercial District symbols and indications as shown on Map No. 26-F in area bounded by

a line 173.70 feet south of and parallel to W. 110th Street; a line 108 feet east of and parallel to S. Halsted Street; a line 348.70 feet south of and parallel to W. 110th Street; and S. Halsted Street,

to those of a B4-1 Restricted Service District; and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

CHICAGO ZONING ORDINANCE AMENDED TO RECLASSIFY
PARTICULAR AREA SHOWN ON MAP NO. 1-F.

The Committee on Zoning submitted the following report:

CHICAGO, December 4, 1984.

To the President and Members of the City Council:

Your Committee on Zoning begs leave to recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith (referred to your committee on October 16, 1984) to amend the Chicago Zoning Ordinance for the purpose of reclassifying particular area shown on Map No. 1-F.

This recommendation was concurred in by 8 members of the committee, with no dissenting vote.

Respectfully submitted,
(Signed) TERRY M. GABINSKI,
Chairman.

(Signed) EDWARD R. VRDOLYAK,
Vice-Chairman.

On motion of Alderman Roti, the committee's recommendation was *Concurred In* and the said proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stamberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schuler, Volini, Orr, Stone -- 47.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

Alderman Bloom was excused from voting under the provisions of Rule 14 of the Council's Rules of Order.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, be, and is hereby amended by supplementing all the B6-7 Restricted Central Business District symbols and indications as shown on Map 1-F to reflect the establishment of a Communications Planned Development for the erection of an Earth Station Receiving Dish and transmitter on the roof of the building at 2 North Riverside Plaza.

SECTION 2. This Communications Planned Development is specifically for the erection of the Earth Station Receiving Dish and transmitter above described and in no way affects, alters or prejudices the existing zoning district regulations applicable to any other improved or unimproved portions of the above described area.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and due publication.

MATTERS PRESENTED BY THE ALDERMEN

(Presented by Wards, in Order, Beginning with the First Ward).

Arranged under the following subheadings:

1. Traffic Regulations, Traffic Signs and Traffic-Control Devices.
2. Zoning Ordinance Amendments.
3. Claims.

4. Unclassified Matters (arranged in order according to Ward numbers).
5. Free Permits, License Fee Exemptions, Cancellation of Warrants for Collection and Water Rate Exemptions, Etc.

**1. TRAFFIC REGULATIONS, TRAFFIC SIGNS AND
TRAFFIC-CONTROL DEVICES.**

*Referred -- ESTABLISHMENT OF LOADING ZONES AT
SUNDRY LOCATIONS.*

The aldermen named below presented proposed ordinances to establish loading zones at the locations designated, for the distances specified, which were *Referred to the Committee on Traffic Control and Safety*, as follows:

Alderman	Location
BURKE (14th Ward)	West 59th Street (north side) at 2844 -- 9:00 A.M. to 6:00 P.M. -- Monday thru Saturday;
GABINSKI (32nd Ward)	North Ashland Avenue (east side) at 2411.

*Referred -- AMEND MOVEMENT OF VEHICULAR TRAFFIC
TO SINGLE DIRECTION ON PORTION OF
SPECIFIED PUBLIC WAY.*

Alderman Davis (27th Ward) presented a proposed ordinance to restrict the movement of vehicular traffic to a southerly direction on North Campbell Avenue from a point 80 feet north thereof (instead of from W. Chicago Avenue to W. Grand Avenue southerly), which was *Referred to the Committee on Traffic Control and Safety*.

*Referred -- LIMITATION ON PARKING OF VEHICLES
DURING SPECIFIED HOURS AT SPECIFIED
LOCATIONS.*

The aldermen named below presented proposed orders to limit the parking of vehicles to one hour periods during the hours designated, at the locations and for the distances specified, which were *Referred to the Committee on Traffic Control and Safety*, as follows:

Alderman	Location, Distance and Time
PUCINSKI (41st Ward)	North Mont Clare Avenue from West Higgins Avenue to the first alley south thereof -- 2 hours -- 8:00 A.M. to 6:00 P.M. -- Monday thru Friday;
SCHULTER (47th Ward)	North Western Avenue (east side) at 3833 from 220 feet (frontal footage) 15 minutes -- 9:00 A.M. to 9:00 P.M. -- Monday thru Saturday.

*Referred -- PROHIBITION AGAINST VEHICULAR PARKING
AT ALL TIMES AT SPECIFIED LOCATIONS.*

The aldermen named below presented proposed ordinances to prohibit the parking of vehicles at all times, at the locations specified, which were *Referred to the Committee on Traffic Control and Safety*, as follows:

Alderman	Location
STREETER (17th Ward)	South Peoria Street, at 7924 (except for handicapped);
STEMBERK (22nd Ward)	South Spaulding Avenue at 2539 (except for handicapped);
D. DAVIS (29th Ward)	West Midway Park, at 5843 (except for handicapped).

*Referred -- DISCONTINUANCE OF PROHIBITION AGAINST
VEHICULAR PARKING AT ALL TIMES ON PORTION
OF WEST JARVIS AVENUE.*

Alderman Stone (50th Ward) presented a proposed ordinance to discontinue the prohibition against the parking of vehicles at all times on the north side of West Jarvis Avenue from North Western Avenue to the first alley east thereof, which was *Referred to the Committee on Traffic Control and Safety*.

*Referred -- DISCONTINUANCE OF PROHIBITION AGAINST
VEHICULAR PARKING DURING SPECIFIED HOURS
ON PORTION OF WEST STRONG STREET.*

Alderman McLaughlin (45th Ward) presented a proposed ordinance to discontinue the prohibition against the parking of vehicles during the hours of 8:00 A.M. and 10:00 A.M. on both sides of West Strong Street from North Laramie Avenue to North Lockwood Avenue, which was *Referred to the Committee on Traffic Control and Safety*.

Referred -- DISCONTINUANCE OF PROHIBITION AGAINST
VEHICULAR PARKING IN SPECIFIED
SCHOOL ZONE AREA.

Alderman Stone (50th Ward) presented a proposed ordinance to discontinue the prohibition against the parking of vehicles in the school zone area located at or near 6345-6355 North Whipple Street, which was *Referred to the Committee on Traffic Control and Safety*.

Referred -- INSTALLATION OF TRAFFIC-CONTROL SIGNALS.

The aldermen named below presented proposed orders for the installation of automatic traffic-control signals at the locations specified, which were *Referred to the Committee on Traffic Control and Safety*, as follows:

Alderman	Location of Signals
BURKE (14th Ward)	West 56th Street and South Kedzie Avenue;
KRYSTYNIAK (23rd Ward)	West Archer Avenue and South Nottingham Avenue.

Referred -- INSTALLATION OF TRAFFIC SIGNS.

The aldermen named below presented proposed orders for the installation of traffic signs, of the nature indicated and at the locations specified, which were *Referred to the Committee on Traffic Control and Safety*, as follows:

Alderman	Location and Type of Sign
HUELS (11th Ward)	South Emerald Avenue and West 34th Street -- "Stop";
BURKE (14th Ward)	South Mozart Street and West 65th Street -- "Stop";
LANGFORD (16th Ward)	South Halsted Street at South Emerald Avenue -- "Stop"; South Halsted Street at South Halsted Parkway -- "No Turn On Red -- 7 A.M. to 7 P.M." for eastbound traffic; West 61st Street and South Sangamon Street -- "3-Way Stop";

Alderman	Location and Type of Sign
	West 62nd Street and South Morgan Street -- "2-Way Stop";
<i>BANKS</i> (36th Ward)	West Roscoe Street at North Nottingham Avenue -- "Stop";
<i>BANKS</i> (36th Ward) and <i>CULLERTON</i> (38th Ward)	North Nordica Avenue at West Roscoe Street -- "Stop";
<i>CULLERTON</i> (38th Ward)	West Bernice Avenue at North Mobile Avenue -- "Stop";
	North McVicker Avenue and West Cullom Avenue -- "Stop";
	West Pensacola Avenue and North Lockwood Avenue -- "1-Way Stop";
<i>OBERMAN</i> (43rd Ward)	West Dickens Avenue and North Sheffield Avenue -- "4-Way Stop";
<i>SCHULTER</i> (47th Ward)	North Hoyne Avenue and West Pensacola Avenue -- "2-Way Stop";
<i>STONE</i> (50th Ward)	At meter stalls located between North Campbell Avenue and North Maplewood Avenue (south of West Devon Avenue -- exits to City parking garage Number 46).

2. ZONING ORDINANCE AMENDMENTS.

None.

3. CLAIMS.

None.

4. UNCLASSIFIED MATTERS

(Arranged in Order According to Ward Numbers).

Proposed ordinances, orders and resolutions were presented by the aldermen named below respectively, and were acted upon by the City Council in each case in the manner noted as follows:

Presented by

ALDERMAN ROTI (1st Ward):

Referred -- GRANT OF PRIVILEGE IN PUBLIC WAY.

A proposed ordinance to grant permission and authority to Tool and Engineering Company, Division of Farley Metals, Incorporated, to maintain one sample basin having a single outlet, one sewer line running parallel to 901-949 West 16th Street and one sewer outlet leading from the sample basin located under a driveway near South Peoria Street to the main sewer line under West 16th Street, which was *Referred to the Committee on Streets and Alleys*.

*Referred -- GRANTS OF PRIVILEGE IN PUBLIC
WAYS (CANOPIES).*

Also two proposed orders to authorize the City Comptroller to issue permits to various organizations to construct, maintain and use canopies attached to the buildings or structures at sundry locations, which were *Referred to the Committee on Streets and Alleys*, as follows:

JCL Management Company, doing business as McDonald's Restaurant -- to construct, maintain and use five canopies at 36 West Randolph Street, 180 West Randolph Street and 115 North Wabash Avenue;

Theo Interprises, doing business as McDonald's Restaurant -- to construct, maintain and use a canopy at 180 West Adams Street.

Presented by

ALDERMAN BEAVERS (7th Ward):

Referred -- GRANT OF PRIVILEGE IN PUBLIC WAY.

A proposed ordinance to grant permission and authority to South Chicago Community Hospital to maintain and use, as now constructed, a one-story covered bridge/passageway over and across East 93rd Street between South Crandon and South Oglesby Avenues connecting the premises at 2320 East 93rd Street with the premises at 2319 East 93rd Street, which was *Referred to the Committee on Streets and Alleys*.

Presented by

ALDERMAN MAJERCZYK (12th Ward):

Referred -- GRANT OF PRIVILEGE IN PUBLIC WAY.

A proposed ordinance to grant permission and authority to Roadway Express, Incorporated to maintain and use that portion of unimproved and unused "dead-end" South St. Louis Avenue being south of the tracks of the Grand Trunk Western Railroad and north of West 51st Street to be used for the purpose of parking, which was *Referred to the Committee on Streets and Alleys.*

Presented by

ALDERMAN MADRZYK (13th Ward) and OTHERS:

*Referred -- AMENDMENT OF CHAPTER 194A OF CHICAGO
MUNICIPAL CODE, ARTICLE 6.4-4 REDEFINING
LIMITATIONS SET FOR RESTORATION OF
CERTAIN BUILDINGS.*

A proposed ordinance, presented by Aldermen Madrzyk, Stone, Schulter, McLaughlin, Kellam, Sheahan, Laurino, Nardulli, Brady, Hansen, Langford, Streeter, Kelley, Krystyniak, Cullerton, Damato and Banks, to amend Chapter 194A of the Chicago Municipal Code (also known as the Chicago Zoning Ordinance), Article 6.4-4, which would set forth new restrictions in reference to the restoration of damaged, non-conforming buildings, which was *Referred to the Committee on Zoning.*

Presented by

ALDERMAN BURKE (14th Ward) and OTHERS:

*Referred -- REVENUE ALLOCATION RECEIVED FROM
ILLINOIS TAX AMNESTY PROGRAM TO BE SET
ASIDE FOR NECESSARY CITY SALARY
INCREASES.*

A proposed resolution, presented by Aldermen Burke, Huels, Majerczyk, Kellam, Damato, Roti, Hagopian, Mell, Kotlarz, Banks, Pucinski, Sheahan, Brady, Stemberk, Madrzyk, Laurino, Cullerton, Schulter, Hansen, Marzullo, Nardulli, Vrdolyak, Santiago, Stone and Krystyniak, to set aside any and all revenues received by the City of Chicago from the State of Illinois Tax Amnesty Program for the sole purpose of providing any necessary salary increases for City employees, which was *Referred to the Committee on Finance.*

Presented by

ALDERMAN LANGFORD (16th Ward):

BUILDINGS DECLARED PUBLIC NUISANCES AND
ORDERED DEMOLISHED.

A proposed ordinance reading as follows:

WHEREAS, The buildings at the following locations, to wit:

5914 South May Street,
6030 South Aberdeen Street,
6005-6007 and 6001-6003 South Aberdeen Street, and
6212 South Carpenter Street

are so deteriorated and weakened that each is structurally unsafe and a menace to life and property in its vicinity; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The buildings at the following locations, to wit:

5914 South May Street,
6030 South Aberdeen Street,
6005-6007 and 6001-6003 South Aberdeen Street, and
6212 South Carpenter Street

are declared public nuisances, and the Commissioner of Buildings is authorized and directed to demolish the same.

SECTION 2. This ordinance shall be effective upon its passage.

On motion of Alderman Langford the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schuler, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

Referred -- GRANT OF PRIVILEGE IN PUBLIC WAY.

Also a proposed ordinance to grant permission and authority to Candle Corporation of America to maintain and use, as now constructed, a communications system comprised of two

pneumatic transit tubes and one telephone line supported by a "guy cable" extending across South LaSalle Street near 6214 South LaSalle Street, et cetera, which was *Referred to the Committee on Streets and Alleys*.

Presented by

ALDERMAN FROST (34th Ward):

*Referred -- OPERATION OF NEWSPAPER STAND AT WEST
103RD STREET AND SOUTH PRINCETON AVENUE.*

A proposed order to authorize and direct the Commissioner of Public Works to issue a newspaper stand permit to Leslie M. Harris for the operation of a stand on the southeast corner of West 103rd Street and South Princeton Avenue for seven days a week from 5:00 A.M. to 6:00 P.M., in compliance with the Chicago Municipal Code, which was *Referred to the Committee on Streets and Alleys*.

Presented by

ALDERMAN NATARUS (42nd Ward):

Referred -- GRANTS OF PRIVILEGE IN PUBLIC WAYS.

Three proposed ordinances to grant permission and authority to various organizations for sundry privileges, which were *Referred to the Committee on Streets and Alleys*, as follows:

535 North Michigan Venture -- to occupy a portion of the public way under North Michigan Avenue adjacent to 535 North Michigan Avenue;

Sutton Place Association -- to maintain and use a low voltage television security cable to be augered under and along the north-south public alley and under and across East Schiller Street;

Tom Russel Charitable Foundation, Incorporated -- to maintain and use, as now constructed, three covered pedestrian bridges over and across the east-west public alley connecting the second through sixth floor levels of 362-366 West Huron Street and 340-348 West Huron Street with the corresponding floor levels of 363-371 West Superior Street and 341-359 West Superior Street.

*Referred -- AMENDMENT OF GRANT OF PRIVILEGE
IN PUBLIC WAY.*

Also a proposed ordinance to amend the privilege granted to the Chicago Tribune Company to maintain and use water pipes under and across East North Water Street in reference to the closing date of said grant, which was *Referred to the Committee on Streets and Alleys*.

Referred -- GRANTS OF PRIVILEGE IN PUBLIC
WAYS (CANOPIES).

Also two proposed orders to authorize the City Comptroller to issue permits to various organizations in reference to certain canopies attached to specified buildings or structures, which were *Referred to the Committee on Streets and Alleys*, as follows:

White Hen Pantry -- to construct, maintain and use a canopy at 1210 North Dearborn Street;

Woman's Athletic Club of Chicago -- to maintain and use an existing canopy at 116-122 East Ontario Street.

Presented by

ALDERMAN ORR (49th Ward):

Referred -- CHAPTER 104, SECTIONS 1, 2 AND 3 OF
CHICAGO MUNICIPAL CODE AMENDED
CONCERNING AMUSEMENTS.

A proposed ordinance to amend Chapter 104, Sections 1, 2 and 3 of the Chicago Municipal Code which would expand the definition of amusements, amend the taxes imposed thereon, and amend the duties of every owner, manager or operator therein, which was *Referred to the Committee on Finance*.

5. FREE PERMITS, LICENSE FEE EXEMPTIONS, CANCELLATION
OF WARRANTS FOR COLLECTION, AND WATER RATE
EXEMPTIONS, ETC.

Proposed ordinances, orders, etc. described below, were presented by the aldermen named, and were *Referred to the Committee on Finance*, as follows:

FREE PERMITS:

BY ALDERMAN ROTI (1st Ward):

Saint Ignatius College Prep -- for renovation of existing structure on the premises known as 1076 W. Roosevelt Road.

BY ALDERMAN NARDULLI (26th Ward):

Saint Mary of Nazareth Hospital Center -- for the construction of an Emergency Medical Helipad on the premises known as the southwest corner of W. Division and N. Leavitt Street.

LICENSE FEE EXEMPTIONS:

BY ALDERMAN HUMES (8th Ward):

Jackson Park Hospital, 7531 S. Stoney Island Avenue,

BY ALDERMAN NARDULLI (26th Ward):

Saint Mary of Nazareth Hospital Center, 2233 W. Division Street.

BY ALDERMAN DAVIS (27th Ward):

Mary Thompson Hospital, 140 N. Ashland Avenue.

BY ALDERMAN HAGOPIAN (30th Ward):

St. Joseph Home of Chicago, Inc., 2650 N. Ridgeway Avenue.

BY ALDERMAN NATARUS (42nd Ward):

Family Guidance Centers, Inc., 810 N. Clark Street.

BY ALDERMAN OBERMAN (43rd Ward):

Columbus Hospital, 2220 N. Lakeview Avenue.

Grant Hospital, 551 W. Grant Place.

Little Sisters of the Poor, 2325 N. Lakewood Avenue.

BY ALDERMAN HANSEN (44th Ward):

Illinois Masonic Medical Center, 836 W. Wellington Avenue.

BY ALDERMAN VOLINI (48th Ward):

Self Help Home for the Aged, Inc., 908 W. Argyle Street.

The Admiral Old Peoples Home, 909 W. Foster Avenue.

BY ALDERMAN STONE (50th Ward):

The Ark, 4711 N. Kedzie Avenue.

CANCELLATION OF WARRANTS FOR COLLECTION.

BY ALDERMAN DAVIS (27th Ward):

Chicago Youth Centers, 611 W. Adams Street -- boiler and fuel burning inspection.

BY ALDERMAN NATARUS (42nd Ward):

Northwestern Memorial Hospital/Streeterville Corporation, 224 E. Ontario Street -- building inspection.

BY ALDERMAN OBERMAN (43rd Ward):

Augustana Hospital, 409 W. Dickens Avenue -- boiler and fuel burning equipment inspection.

BY ALDERMAN VOLINI (48th Ward):

Winthrop Towers (H.U.D.), 4848 N. Winthrop Avenue -- sign and surcharge inspections.

BY ALDERMAN STONE (50th Ward):

Ida Crown Jewish Academy of Chicago, 2828 W. Pratt Boulevard -- boiler and fuel burning equipment inspection.

**APPROVAL OF JOURNAL OF
PROCEEDINGS.**

JOURNAL (OCTOBER 31, 1984).

Alderman Burke moved to *Correct* the printed Official Journal of Proceedings of the regular meeting held on Wednesday, October 31, 1984, as follows:

Page 10747 -- by deleting the words "B5-1 General Service" appearing on the fourth and fifth line from the top of the page and inserting the words "R4 General Residence" in lieu thereof;

Page 10747 -- by deleting the words "B4-1 Restricted Service" appearing on the eighth line from the top of the page and inserting the words "B5-1 General Service" in lieu thereof.

The motion *Prevailed*.

JOURNAL (DECEMBER 3, 1984).

The City Clerk submitted the printed Official Journal of the Proceedings of the regular meeting held on December 3, 1984, at 10:00 A.M., signed by him as such City Clerk.

Alderman Burke moved to *Approve* said printed Official Journal and to dispense with the reading thereof. The question being put, the motion *Prevailed*.

UNFINISHED BUSINESS.

APPROVAL GIVEN FOR SUBMISSION OF URBAN
DEVELOPMENT ACTION GRANT APPLICATION
FOR PROJECT BY CHEM-CLEAR OF
ILLINOIS.

On motion of Alderman Burke, the City Council took up for consideration the report of the Committee on Finance deferred and published in the Journal of the Proceedings of November 28, 1984, pages 11182 and 11186-11187, recommending that the City Council pass a proposed ordinance authorizing the submission of an Urban Development Action Grant Application for a project by Chem-Clear of Illinois.

On motion of Alderman Burke, the said proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Stemberk moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

WHEREAS, In order to develop viable urban communities, the Housing and Community Development Act of 1974, as amended, provides that Urban Development Action Grants are available to cities to help fund development projects which promote decent housing and stimulate private investment in urban communities; and

WHEREAS, Chem-Clear of Illinois, Inc., an Illinois corporation, has proposed to purchase certain existing assets of FIL, the wholly-owned U.S. subsidiary of Comagnie Generale de Chauffee, a French firm, located at 11800 South Stony Island and also new capital equipment for its expanding chemical treatment operations; and

WHEREAS, The proposed project is expected to save 26 existing jobs which would otherwise be lost to the City and to create 30 new permanent jobs; and

WHEREAS, The City of Chicago through its Department of Economic Development desires to apply for an Urban Development Action Grant in the amount of \$1,300,000 to be used along with private funds in the amount of \$5,000,000 to implement and complete the proposed project; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Mayor is hereby authorized to submit to the United States Department of Housing and Urban Development on behalf of the City of Chicago, an application for an Urban Development Action Grant in the amount of \$1,300,000 for partial funding of the Chem-Clear of Illinois Retention and Attraction Project.

SECTION 2. The Mayor or the Commissioner of Economic Development is authorized to act in connection with the application, to give what assurances are necessary and to provide such additional information as may be required by the United States Department of Housing and Urban Development.

SECTION 3. In the event the application is approved, the Commissioner of Economic Development is hereby authorized to enter into and execute on behalf of the City of Chicago, an Urban Development Action Grant Agreement with the Department of Housing and Urban Development and any amendments thereto, for the partial funding of the Chem-Clear of Illinois Retention and Attraction Project.

SECTION 4. This ordinance shall be effective by and from the date of its passage.

MISCELLANEOUS BUSINESS.

PRESENCE OF VISITORS NOTED.

Honorable Harold Washington, Mayor, called the Council's attention to the presence of the following visitors:

13 Students from Accounters Prep Academy, accompanied by Venita Nelson;

Susan Catania, former State Representative from the 22nd District;

John Kavanaugh, former Congressman from Omaha, Nebraska.

Time Fixed for Next Succeeding Regular Meeting.

By unanimous consent, Alderman Burke thereupon presented a proposed ordinance which reads as follows:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the next succeeding meeting of the City Council of the City of Chicago to be held after the meeting held on Friday, the seventh (7th) day of December, 1984, at 10:00 A.M., be and the same is hereby fixed to be held on Wednesday, the twelfth (12th) day of December, 1984, at 10:00 A.M., in the Council Chamber in the City Hall.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

On motion of Alderman Burke, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

Adjournment.

Thereupon, Alderman Burke moved that the City Council do *Adjourn*. The motion *Prevailed* and the City Council *Stood Adjourned* to meet in regular meeting on Wednesday December 12, 1984, at 10:00 A.M. in the Council Chamber in the City Hall.



WALTER S. KOZUBOWSKI,
City Clerk.