

SECTION 9. Section 4-60-023 of the Municipal Code of Chicago is hereby amended by replacing subsection 4-60-023 (47.70), which was previously deleted as shown in the *Journal of the Proceedings of the City Council of the City of Chicago* of September 10, 2014 at page 87961, with the following underscored text:

4-60-023 (47.70) On Wilson Avenue, from Ravenswood Avenue to Damen Avenue.

SECTION 10. Section 4-60-023 of the Municipal Code of Chicago is hereby amended by replacing subsection 4-60-023 (47.35), which was previously deleted as shown in the *Journal of the Proceedings of the City Council of the City of Chicago* of July 24, 2013 at page 58054, with the following underscored text:

4-60-023 (47.35) On Lawrence Avenue, from Ravenswood Avenue to Damen Avenue.

SECTION 11. Section 4-60-022 of the Municipal Code of Chicago is hereby amended by replacing subsection 4-60-022 (47.12), which was previously deleted as shown in the *Journal of the Proceedings of the City Council of the City of Chicago* of January 17, 2013 at page 45330, with the following underscored text:

4-60-022 (47.12) On Clark Street, from Byron Street to Berteau Avenue.

SECTION 12. Section 4-60-023 of the Municipal Code of Chicago is hereby amended by replacing subsection 4-60-023 (47.30), which was previously deleted as shown in the *Journal of the Proceedings of the City Council of the City of Chicago* of January 17, 2013 at page 45343, with the following underscored text:

4-60-023 (47.30) On Irving Park Road, from Ravenswood Avenue to Damen Avenue.

SECTION 13. This ordinance shall be in full force and effect from and after its passage and publication.

AMENDMENT OF SECTIONS 8-4-087 AND 8-4-090 OF MUNICIPAL CODE
REGARDING CHRONIC ILLEGAL ACTIVITY PREMISES.

[O2018-89]

The Committee on License and Consumer Protection submitted the following report:

CHICAGO, March 28, 2018.

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration an ordinance introduced by Alderman Emma Mitts (which was referred on January 17, 2018),

to amend Chapter 8-4 of the Municipal Code of Chicago regarding chronic illegal activity premises, begs leave to recommend that Your Honorable Body *Pass* the ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on March 21, 2018. Aldermen Waguespack, Arena, Cappleman and Pawar voting "No".

Respectfully submitted,

(Signed) EMMA MITTS,
Chairman.

On motion of Alderman Mitts, the said proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Moreno, Hopkins, Dowell, King, Hairston, Sawyer, Mitchell, Harris, Sadlowski Garza, Thompson, Cárdenas, Quinn, Burke, Lopez, Foulkes, D. Moore, Curtis, O'Shea, Cochran, Brookins, Muñoz, Zalewski, Scott, Solis, Burnett, Ervin, Taliaferro, Reboyras, Santiago, Mell, Austin, Ramirez-Rosa, Villegas, Mitts, Sposato, Laurino, O'Connor, Napolitano, Reilly, Smith, Tunney, Osterman, J. Moore, Silverstein -- 44.

Nays -- Aldermen Waguespack, Arena, Cappleman, Pawar -- 4.

Alderman Sawyer 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. Section 8-4-087 of the Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

8-4-087 Chronic Illegal Activity Premises.

(a) Definitions. As used in this section, unless the context indicates otherwise:

"Chronic illegal activity premises" means any premises that is the subject matter of three or more calls for police service on three different days within any 90-day period resulting in (1) a case report documenting an investigation of illegal activity within the premises; or (2) enforcement action against any tenant or person associated with the premises for illegal activity occurring within the premises or within one block or one thousand feet of the premises. Provided, however, that the following shall not be counted when determining whether a premises meets the definition of a chronic illegal activity premises:

(1) any illegal activity reported to the police department by the building owner or the building owner's agent via the city's 9-1-1 emergency telephone system; and

(2) incidents of domestic violence, as defined in the Illinois Domestic Violence Act of 1986, as amended;

(3) any contact made to the police or other emergency services with the intent of preventing domestic or sexual violence, or seeking an emergency response to domestic or sexual violence;

(4) any contact made to police or other emergency services by, on behalf of, or otherwise concerning an individual with a disability, where the purpose of that contact is related to that individual's disability;

(5) any incident of actual or threatened domestic or sexual violence against a tenant, a household member, a guest or any other party that occurs in or on the premises of a residential dwelling unit;

(6) criminal activity or a local ordinance violation occurring in or on the premises of a residential dwelling unit that is directly relating to domestic violence or sexual violence and is reported by the victim or a party seeking services or assistance for the victim.

~~shall not be counted when determining whether a premises meets the definition of a chronic illegal activity premises.~~

"Corporation counsel" means the corporation counsel of the City of Chicago or the corporation counsel's designee.

(Omitted text is not affected by this ordinance.)

SECTION 2. Section 8-4-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

8-4-090 Drug And Gang Houses, Houses Of Prostitution And Other Disorderly Houses.

(a) Any premises used for prostitution, illegal gambling, illegal possession or delivery of or trafficking in controlled substances, or any other activity that constitutes a felony, misdemeanor, business offense or petty offense under federal, state or municipal law is hereby declared to be a public nuisance; provided that no public nuisance or violation of this section shall be deemed to exist unless: (i) (1) the property is used for more than one such offense within any six-month period; or (ii) (2) the offense for which the property is used is punishable by imprisonment for one year or more.

(a-5) The following shall not provide, in whole or in part, a basis for a declaration under this section that a property is a public nuisance:

(1) any contact made to the police or other emergency services with the intent of preventing domestic or sexual violence, or seeking an emergency response to domestic or sexual violence;

(2) any contact made to police or other emergency services by, on behalf of, or otherwise concerning an individual with a disability, where the purpose of that contact is related to that individual's disability;

(3) any incident of actual or threatened domestic or sexual violence against a tenant, a household member, a guest, or any other party that occurs in or on the premises of a dwelling unit;

(4) criminal activity or a local ordinance violation occurring in or on the premises of a dwelling unit that is directly relating to domestic violence or sexual violence and is reported by the victim or a party seeking services or assistance for the victim and where the perpetrator is not related to or located at the property.

(b) Any person who owns, manages or controls any premises and who ~~(i)~~ : (1) encourages or permits an illegal activity described in subsection (a) that is not subject to an exception described in subsection (a-5) to occur or continue on such premises; or ~~(ii)~~ (2) fails to implement reasonable and warranted abatement measures identified in the notice issued pursuant to subsection (e), or subsequently agreed to, or other abatement measures which successfully abate the nuisance within the 30-day period following the notice, or within any other agreed upon period, shall be subject to a fine according to the schedule set forth in subsection (c). Each day that a violation of this section continues shall be considered a separate and distinct offense. No person shall be found in violation of ~~(b)(ii)(2)~~ of this section unless the city proves by a preponderance of the evidence that the abatement measures were reasonable and warranted, and that the defendant knowingly failed to implement them. A person may be found in violation of ~~(b)(i)(1)~~ or ~~(b)(ii)(2)~~ of this section regardless of whether an order of abatement is issued under subsection (d), or in violation of ~~(b)(i)(1)~~ regardless of whether a notice has been given under subsection (e). A fine in accordance with subsection (c) may be assessed in a court of competent jurisdiction or in the buildings hearings division of the department of administrative hearings.

(c) Upon a finding of liability under this ordinance, the defendant shall be fined ~~(i)(1)~~ not less than \$3,000.00 ~~and not nor~~ more than \$6,000.00 for any offense defined as a Class X felony by the Criminal Code of 1961, 720 ILCS 5, as amended (for purposes of this section, "Criminal Code"); ~~(ii)(2)~~ not less than \$1,500.00 ~~and not nor~~ more than \$3,000.00 for any offense defined as a Class 1 felony by the Criminal Code; ~~(iii)(3)~~ not less than \$700.00 ~~and not nor~~ more than \$1,400.00 for any offense defined as a Class 2 felony by the Criminal Code; ~~(iv)(4)~~ not less than \$500.00 ~~and not nor~~ more than \$1,000.00 for any offense defined as a Class 3 felony by the Criminal Code; ~~(v)(5)~~ not less than \$300.00 ~~and not nor~~ more than \$1,000.00 for any offense defined as a Class 4 felony by the Criminal Code; and ~~(vi)(6)~~ not less than \$200.00 ~~and not nor~~ more than \$1,000.00 for all offenses not otherwise specified.

(Omitted text is not affected by this ordinance.)

SECTION 3. This ordinance shall take effect upon passage and publication.