

**REPORT OF THE COMMITTEE ON FINANCE**

**PUBLIC HEARING**

**November 14, 2011**

The Honorable,  
The Board of Commissioners of Cook County

**ATTENDANCE**

Present: President Preckwinkle, Chairman Daley, Vice Chairman Sims, Commissioners Beavers, Butler, Collins, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Steele, Suffredin and Tobolski (17)

Absent: None (0)

Court Anthony W. Lisanti, C.S.R.  
Reporter:

Ladies and Gentlemen:

Your Committee on Finance of the Board of Commissioners of Cook County met pursuant to published notice on Monday, November 14, 2011 at the hour of 10:00 A.M. for a public hearing in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Chairman Daley informed the Committee that the purpose of the meeting would be to hear public testimony, entertain questions from committee members, and consider the following matters related to revenue for the proposed 2012 Executive Budget Recommendation.

Chairman Daley asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-107(dd).

1. Mike Gold, Arango Cigar Co.
2. Jeff Gordon, Eby-Brown LLC
3. Steven L. Luse, The Luse Companies
4. Phillip Ledbetter, Illinois/Cook County Tobacconists
5. Patrick Doerr, Chicago Hospitality Association
6. Donald Zeigler, Department of Preventive Medicine
7. Charles Levy, Iwan Ries & Co.
8. Michael Newman, AFSCME
9. Maribel Mendoza, U.S. Smokeless Tobacco

Written Testimony Only

1. Dale Szyndrowski, Distilled Spirits Council

Your Committee has considered the following items and upon adoption of this report, the recommendations are as follows:

- 315196 GASOLINE VAPOR COLLECTION AND CONTROL SYSTEM ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, John P. Daley, Jesus Garcia, Gregg Goslin and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**GASOLINE VAPOR COLLECTION AND CONTROL SYSTEM ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article IV, Sec. 30-425 through 30-425.3 of the Cook County Code is hereby enacted as follows:

**Section 30-425. Short title and Definitions.**

*(a) Short title.* This section shall be known and may be cited as "The Cook County Gasoline Vapor Collection and Control System Ordinance.

*(b) Definitions.* For the purposes of this Section, the following definitions apply:

*"Certified"* means any vapor collection and control system which has been tested and approved by The California Air Resources Board (CARB) as having a vapor recovery and removal efficiency of at least 95% (by weight). CARB testing and approval is pursuant to the CARB manual incorporated by reference 35 Illinois Administrative Code 218.112.

*"Completion of installation"* means the successful passing of one or more of the following tests applicable to the installed vapor collection and control system: Dynamic Backpressure Test, Pressure Decay/Leak Test, and Liquid Blockage Test, incorporated by reference at 35 Illinois Administrative Code 218.112.

*"Constructed"* means fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.

*"CARB"* means California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

*"Employee"* means any person who performs work for an Owner or Operator.

*"Gasoline Dispensing Operation" or "Gasoline Dispensing Facility"* means any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.

*"Modification"* means any change, removal or addition, other than an identical replacement, of any component contained within the Vapor Collection and Control System.

“*Motor vehicle*” means any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles and trucks. Specifically excluded from this definition are watercraft and aircraft.

“*Motor Vehicle Fuel*” means any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles. Reid vapor pressure for gasoline shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by references in 35 Ill. Adm. Code 218.112

“*Owner or Operator*” means any Person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a Gasoline Dispensing Operation.

“*Person*” or “*Persons*” means any individual, corporation, partnership, joint venture, trust, association, limited liability company, sole proprietorship or other legal entity.

“*Poppet valve*” means a spring-loaded valve that prevents vapor from escaping through the vapor recovery riser pipe opening of a storage tank.

“*Stage II System Type*” mean a Stage II system that consists of special nozzles and coaxial hoses at each gasoline pump that captures vapors from the vehicle's fuel tank and routes them to the station's underground or aboveground storage tank(s) during the refueling process with System parts that are clearly identified to show that they are CARB-certified by a CARB Executive Order number.

“*Vapor Collection and Control System*” means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of Motor Vehicle Fuel into motor vehicle fuel tanks.

**Section 30-425.1. Dispensing Motor Fuel and Inspection.**

(a) No Owner or Operator of a Gasoline Dispensing Operation shall cause or allow the dispensing of Motor Vehicle Fuel at any time from a motor vehicle fuel dispenser unless the

dispenser is equipped with and utilizes a Vapor Collection and Control System which is properly installed and operated as provided below:

- (1) Any Vapor Collection and Control System installed, used or maintained has been CARB certified;
- (2) Any Vapor Collection and Control System utilized is maintained in accordance with the manufacturer's specifications and the certification;

(3) No elements or components of a Vapor Collection and Control System are modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications;

(4) A Vapor Collection and Control System has no defective, malfunctioning or missing components. Malfunction includes but is not limited to a dry break on a Poppet valve;

(5) The Poppet valve must be in a closed position, so that if depressed it will spring up upon release;

(6) Operators and Employees of the Gasoline Dispensing Operation are trained and instructed in the proper operation and maintenance of a vapor collection and control system by trainers recognized by the Illinois Environmental Protection Agency to be qualified; and

(7) Instructions are posted in a conspicuous and visible place within the motor fuel dispensing area and describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.

(b) Gasoline Dispensing Operations shall be subject to an annual inspection by the Department.

(c) The Employee and/or Operator must cooperate with the Department's annual inspection and the Operator shall provide to the Department any records that may be requested pursuant to Section 30-425.2.

**Section 30-425.2. Record keeping obligations.**

(a) Gasoline Dispensing Facilities shall retain the operation copies of the registration information required in subsection (b) for the current and previous calendar year.

(b) Records and reports required pursuant to this subsection shall be made available to the Department upon request. The owner or operator of the Gasoline Dispensing Operation shall maintain records and reports which clearly demonstrate:

(1) That a Certified Vapor Collection and Control system has been installed and tested to verify its performance according to its specifications;

(2) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements;

(3) The time period and duration of all malfunctions of the Vapor Collection and Control System; and

(4) That Operators and Employees are trained and instructed in the proper operation and maintenance of the Vapor Collection and Control System and informed as to the potential penalties associated with the violation of any provision of this Section.

(c) The following documents shall also be made available upon request:

(1) Illinois EPA Issued Registration Certificate/Proof of Registration;

(2) Current and Consistent Maintenance Logs;

(3) Pressure/Vacuum Relief Valve Test Results;

(4) Training Certificate(s) for operators and Employees;

(5) Malfunction Logs; and

(6) Written verification of the Stage II System Type, dispenser brand name and model. This documentation shall be kept on site at the Gasoline Dispensing Operation. If system types cannot be determined through external visible inspection of the equipment, keys to the pump must be made available to the Cook County Environmental Control inspector to in order to attain that information as well as the compatibility of the Stage I and Stage II equipment.

**Section 30-425.3. Penalties and Inspection Fees.**

(a) Any Person that violates the Cook County Gasoline Dispensing Facilities Ordinance is subject to the fines set out in Section 30-213.

(b) An annual inspection fee shall be assessed on all Gas Dispensing Operations. The Owner or Operator of the gasoline dispensing operation shall pay these fees. The annual inspection fees are set out in Section 32-1.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 32 Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1.Fee schedule.**

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>Chapter 30, Environment.</b>		
<u>30-425.3</u>	<u>Gasoline Vapor Collection and Control System Annual Inspection Fee</u>	<u>200.00</u>

**EFFECTIVE DATE:** This Ordinance shall take effect on the 60<sup>th</sup> day following passage.

**\*Referred to the Committee on Finance on 11/01/11.**

**Commissioner Garcia, seconded by Commissioner Gorman, moved approval of the proposed ordinance (Communication No. 315196). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315196**

**Yeas:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Silvestri, Steele, Suffredin, and Tobolski (14)

**Nays:** Commissioners Beavers and Schneider (2)

**Absent:** Commissioner Collins (1)

**The motion carried and the Gasoline Vapor Collection and Control System Ordinance (Communication No. 315196) was approved and adopted.**

315197 DEMOLITION ORDINANCE AMENDMENT (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, Jesus G. Garcia, Gregg Goslin and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**DEMOLITION AMENDMENT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article VI, Sec. 30-544 of the Cook County Code is hereby amended as follows:

**Sec. 30-544. - Demolition.**

(a) Procedure for demolition of structure. Where the risk of public exposure to asbestos fiber from the dislodging of asbestos-containing materials is present, no demolition of a structure shall be initiated unless all safeguards necessary and practicable to reduce the emission of dust are taken. Such procedures shall include, but are not necessarily limited to:

- (1) Boilers and pipes and steel members insulated or fireproofed with asbestos-containing material shall be wetted and stripped before toppling of walls is begun. This procedure shall be followed, where practicable, as to all other asbestos-lined surfaces. Such asbestos waste shall be immediately bagged and disposed of in accordance with Section 30-542(a)(4).

- (2) When demolition by toppling occurs such reasonable enclosure for dust emission control as is compatible with the character of the structure shall be employed.
  - (3) Before the demolition or toppling of any section or wall of the structure, adequate wetting to suppress the dust shall be employed.
  - (4) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets shall be sufficiently wetted to preclude dust dispersion at the point of discharge.
  - (5) All asbestos-containing debris shall be thoroughly wetted before loading into trucks, other vehicles or containers. During transport such waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at a sanitary landfill.
- (b) Standard for demolition of structures.
- (1) Contractor certification and performance.
    - a. Any person engaged in the commercial activity of construction, demolition, alteration or repair of a structure for which has been determined asbestos-containing material is present must present proof that the person possesses a valid license issued pursuant to the Asbestos Abatement Act (105 ILCS 105/1 et seq.) to the Department.
    - b. Any person engaged in asbestos removal activity shall be obligated to notify the Department and comply in the same manner as required in 40 CFR 61.141, 40 CFR 61.145 and 40 CFR 61.150.
    - c. Any person engaged in the commercial activity of asbestos removal shall comply with Illinois Pollution Control Board Regulations Asbestos 35 Ill. Admin. Code 228.
  - (2) Permit required—fees.
    - a. A demolition permit shall be obtained from the Director prior to any demolition of any structure. The permit fees for demolition of structures on a property that is zoned as residential, commercial or industrial shall be as set out in Section 32-1.
    - b. An asbestos removal permit shall be required for all demolition, alteration or repair of a structure which has been determined to contain asbestos containing material. Such permit will be in lieu of requirements of Section 30-544 and shall be obtained prior to the start of a project. The permit fee for asbestos removal shall be as set out in Section 32-1. Inspection fee shall not be applicable to structures used primarily as a domestic residence.

c. ~~Permit fees under Subsections (b)(2)a and (b)(2)b of this section shall be established in accordance with Section 30-91 and thereafter Sections 30-92, through 30-95 shall be applicable. Any of the permits may be revised up to six (6) times before a new permit is required. Each time a permit is revised, (including but not limited to date revisions) a revision fee will be required in the amount set out in Section 32-1.~~

d. Permit fees under Subsections (b)(2)a and (b)(2)b of this section shall be established in accordance with Section 30-91 and thereafter Sections 30-92, through 30-95 shall be applicable.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 32 Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule.**

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>Chapter 30. Environment</b>		
30-544(b)(2)a.	<u>Residential Filing fee</u>	<del>50.00</del> <u>150.00</u>
30-544(b)(2)a.	<u>Commercial and Industrial Filing fee</u>	<del>50.00</del> <u>350.00</u>
30-554(b)(2)c.	<u>Permit Revision Fee</u>	<u>55.00</u>

**EFFECTIVE DATE:** This Ordinance Amendment shall take effect on the 60<sup>th</sup> day following passage.

**\*Referred to the Committee on Finance on 11/01/11.**

Commissioner Butler, seconded by Commissioner Steele, moved approval of the proposed ordinance amendment (Communication No. 315197). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO APPROVE  
 COMMUNICATION NO. 315197**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Silvestri, Steele, Suffredin, and Tobolski (14)

Nays: Commissioners Beavers, Collins and Schneider (3)

**The motion carried and the amendment to the Environment Code (Communication No. 315197) was approved and adopted.**

315198 ASBESTOS AND RELATED SUBSTANCES ORDINANCE AMENDMENT (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, John P. Daley, Gregg Goslin and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**ASBESTOS AND RELATED SUBSTANCES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article VI, Sec. 30-541 and Sec. 30-547 of the Cook County Code is hereby amended as follows:

**Sec. 30-541. - Definitions.**

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*“Asbestos”* means any fiber or any mixture containing fiber of hydrated silicate mineral, which, on the basis of its crystalline structure, falls into one of two categories:

(1)Pyroxenes (chrysotile fiber);

(2)Amphiboles (crocidolite, amosite, tremolite, actinolite or anthophyllite fiber).

*Asbestos Abatement Contractor* means any Person, firm or corporation engaged in asbestos removal and abatement activities in Cook County, outside of the limits of the City of Chicago.

*Certificate of Registration* means the physical documentation issued by the Cook County Department of Environmental Control.

*“Commercial activity”* means any activity done for hire or having financial profit as a primary aim.

*“Cook County”* or *“County”* means the County of Cook, Illinois

*“Debris”* means asbestos-containing waste produced by the demolition of a structure.

*“Department”* means the County Department of Environmental Control.

*“Director”* means the Director of the County Department of Environmental Control.

*“Engage in Asbestos Abatement Activity”* shall refer to those activities provided in Sections 30-541 through 30-550 of the Ordinances of Cook County.

*“Federal, State, or Local Regulations”* means a law, administrative rule, or regulation of the federal government, any state in the United States of America, or any unit of local government, including but not limited to cities, counties, municipalities, or townships.

*“Person”* or *“Persons”* means any individual, corporation, partnership, joint venture, trust, association, limited liability company, sole proprietorship or other legal entity.

*“Project Supervisor”* means a licensed asbestos abatement contractor, foreman, or person designated as the asbestos abatement contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of asbestos-containing materials.

*“Spraying”* means the pneumatic application of material used for fireproofing or insulation.

*“Waste”* means any asbestos-containing matter which has been or is intended to be discarded.

**Sec. 30-547. - Inspection.**

(a) Any factory, plant or enterprise for which a permit is sought or has been granted pursuant to Section 30-542(c) shall be subject to inspection by the Agency Department at any reasonable time, without prior notice.

(b) In the event the Department inspects a work site where Asbestos Abatement Activity is taking place, the Asbestos Abatement Contractor must cooperate with the Department's attempts to monitor activity to ensure that safety concerns are appropriately addressed. Upon request, the Asbestos Abatement Contractor will be required to produce required information, including but not limited to the following:

(1) A copy of the Certificate of Registration and

(2) Documentation verifying that all employees at that worksite have the appropriate

licensure through the Illinois Department of Public Health, if licensure is required.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Sec. 30-551 of the Cook County Code is hereby enacted as follows:

**Sec. 30-551. Asbestos Abatement Contractor registration, registration fees and penalties.**

(a) In order to ensure that the health and safety of the public is protected from the harmful effects of exposure to asbestos materials caused by negligent or improper Asbestos Abatement Activities, all Asbestos Abatement Contractors doing business in Cook County outside the corporate limits of the City of Chicago must register with the Department of Environmental Control.

(b) No Asbestos Abatement Contractor shall do business in Cook County outside of the corporate limits of the City of Chicago without having a currently valid Certificate of Registration issued by the Department.

(c) The Department shall prepare and maintain a list of registered Asbestos Abatement Contractors which list shall be made available upon request.

(d) To obtain a Certificate of Registration, the Asbestos Abatement Contractor shall complete an application provided by the Department of Environmental Control. The application shall be returned to the Department, accompanied by a non-refundable registration fee set forth in Section 32-1 of the Ordinances of Cook County.

(e) The application shall require the following information:

(1) The Asbestos Abatement Contractor's name, mailing address, contact person, phone

number, and e-mail address, together with its form of ownership. If a corporation, a copy of the corporation's last annual report filed with the Asbestos Abatement Contractor's state of incorporation. If the Asbestos Abatement Contractor is a corporation, partnership, or other firm, the substantial owners, as defined in Section 34, Article V of the Ordinances of Cook County, shall be identified.

(2) The Asbestos Abatement Contractor's license number issued by the State of Illinois

Department of Public Health, the date of license expiration and a copy of said license.

(3) A list of all enforcement actions taken against the Asbestos Abatement Contractor in the preceding two (2) years for alleged violations of Federal, State or Local Regulations pertaining to the handling, removal or disposal of asbestos containing materials, including information about the alleged violations charged and the disposition.

(4) The number of years the Persons has been doing business as an Asbestos Abatement Contractor.

- (5) A list of supervisors employed by the Asbestos Abatement Contractor who are licensed by the Illinois Department of Public Health.
  - (6) A list of asbestos containing material removal and abatement techniques that have previously been employed by the Asbestos Abatement Contractor.
  - (7) A list of the names and addresses of waste disposal sites and waste haulers primarily used by the Asbestos Abatement Contractor.
  - (8) Certification by the Asbestos Abatement Contractor that all information furnished to the Department is true and accurate.
  - (9) Other information as required by the Department.
- (f) The application shall require the Asbestos Abatement Contractor to certify compliance with all Cook County ordinances, including but not limited to the following:
- (1) Chapter 30, Environment;
  - (2) Chapter 34, Article V, Child Support Payments;
  - (3) Chapter 38, Article III, Public Health and Private Nuisances;
  - (4) Chapter 58, Article III, Offenses Involving Public Safety, and Article IV, Offenses Involving Public Morals;
  - (5) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code;
  - (6) Chapter 74, Taxation; or
  - (7) The Cook County Zoning Ordinance.
- (g) The Director shall determine whether the applicant satisfies the requirements to be registered as an Asbestos Abatement Contractor. Upon approval of the application, the Department shall issue a

Certificate of Registration to the asbestos removal contractor. Such Certificate of Registration shall expire two years following its date of issuance, and shall be renewable.

(h) The Asbestos Abatement Contractor is required to notify the Department of any material changes to the registration requirements set forth in Section 30-551(e). The Director of the Department may revoke the registration if the Asbestos Abatement Contractor fails to notify the Department of any material changes to the registration requirements identified in Section 30-551(e).

(i) The Director shall have the authority to deny an application for a Certificate of Registration. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The Director may deny issuance of a Certificate of Registration to any Asbestos Abatement Contractor where any one of the following conditions exist:

- (1) Failure to provide any of the required information on the application.
- (2) Providing false information on the application.
- (3) Outstanding violations, debts or penalties owed to Cook County for violation of any County ordinance, unless such violations, debts or penalties are being contested or appealed.
- (4) Failure to have any required licensure by the Illinois Department of Public Health.
- (5) Five or more administrative violations, three or more enforcement actions impacting public health in the two years preceding the date of application or a combined total of five administrative and enforcement actions in the two years preceding the date of application.

(j) If one of the conditions listed in section (i) is found to exist prior to the expiration of the Certificate of Registration, the Director may revoke the registration after notifying the Asbestos Abatement Contractor of the violation via certified mail, of the decision. The contractor shall have 10 days from the date of the Director's letter to make a written request for an administrative hearing to contest the decision or to provide information to the Department that reaffirms that they remain in compliance with the requirements of the ordinance. The Asbestos Abatement Contractor may reapply for a Certificate of Registration after a period of 14 business days. Approval of the Certificate of Registration after a revocation shall be probationary for one year after issuance of the Certificate of Registration. Any additional violations during the one-year probation will result in the suspension of the Certificate of Registration for a period of no less than one month and no more than one year.

(k) Any Certificate of Registration issued by the Department pursuant to this Article may be renewed if the Asbestos Abatement Contractor submits a completed registration renewal application on a form provided by the Department, and makes payment of a renewal fee set by the Department, consistent with the provisions of Section 32-1 of the Ordinances of Cook County. Renewal of a Certificate of Registration may be

withheld if the Director finds that evidence exists that renewal of the Certificate of

Registration will present health and safety concerns for the public. The Director may refuse to renew a Certificate of Registration if any of the conditions identified in Section 30-551(i) exist. The Director shall provide written notice, via certified mail, of the decision to deny an Asbestos Abatement Contractor's Registration renewal. Any denial must be made in writing and include a statement of the public health or safety concern that was the basis of the denial. The applicant shall have 15 days from the date of the Director's letter to make a written request for an administrative hearing to contest the Director's decision.

(l) If the Director denies an application for or revokes a Certificate of Registration or an application for renewal of a Certificate of Registration, the Director shall so notify the Asbestos Abatement Contractor in writing within 30 days of the decision, including a statement of the basis for the denial or revocation. The Asbestos Abatement Contractor shall be given the opportunity to contest the Director's action decision in a hearing as set forth Article IX-Administrative Hearings, Section 2-901 *et seq.* of the Code of Ordinances. The Asbestos Abatement Contractor shall be given written notice at least seven days before the hearing is scheduled. The Department of Administrative Hearings shall make a final decision on granting the Certificate of Registration.

(m) Any person that performs asbestos removal activity governed by this Article without possessing a valid and current Certificate of Registration issued by the Department shall be subject to fines in accordance with the provisions of Section 30-213 of this Article.

(n) The Department shall maintain records of any instances of Asbestos Abatement Activity performed without a Certificate of Registration for five years from the date of the discovery of the non-authorized activity and said records shall be considered when reviewing subsequent applications for registration.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article II, Division 7, Subdivision II, Sec. 30-213 of the Cook County Code is hereby amended as follows:

**Sec. 30-213. Violations and penalty.**

(a) *Persons liable.*

(1) Unless otherwise specifically provided, the owner, the owner's agent for the purpose of managing, controlling, or collecting rents, and any other person managing or controlling a building or premises, in any part of which there is a violation of the provisions of this chapter, shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to the buildings or premises. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the building or premises or of any part of the building or premises where the violation in question occurs.

Unless otherwise specifically provided, where the violation of the provisions of this chapter involves a motor vehicle, the owner or the owner's agent for the purpose of managing or controlling the vehicle, and any other person managing or controlling the vehicle shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing or controlling, or acting as agent in regard to the vehicle. Wherever used in the provisions of this chapter, the term "owner" shall include any person entitled under any agreement to the control or direction of the management or disposition of the vehicle.

- (3) The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless the trustee in a proceeding under the provisions of this chapter discloses in a verified pleading or in an affidavit filed with the court or the Department of Administrative Hearings, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

(b) *Penalty clause.* Any person, firm, or corporation or agents, employees or contractors of such, who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this chapter shall be subject to fines of not less than any of the values detailed in the following table but not more than \$10,000.00. Violations of the ordinance not listed in the following table are subject to fines not less than \$300.00 and not more than \$10,000.00. Collected fines will go to the Cook County Environmental Management Fund. A separate and distinct offense shall be regarded as committed each day on which such person continues or permits any such violation, or failure to comply exists after notification thereof. In addition to such fines and penalties, the permit or certification of operation of such person, or of the offending property, may be revoked as hereinbefore provided.

Any person, firm, or corporation that issues a check or other draft to the Department or the Department of Revenue that is not honored upon presentment because the drawer does not have an account with the drawee, or because the drawer does not have sufficient funds in his account, or because the drawer does not have sufficient credit with the drawee, shall be liable in the amount of \$25.00 and shall be liable for interest upon the amount at the rate of nine percent annually.

The Director shall refer a violation citation seeking a fine to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX, of the Cook County Code. In determining the amount of the fine, the following factors shall be taken into consideration:

The Director shall refer a violation citation to the Cook County Department of Administrative Hearings for adjudication seeking a fine, collection of compliance fees owed to the Cook County Department of Environmental Control, and, if applicable, a

\$25.00 fee for all checks and drafts not honored by a financial institution. The Cook County Department of Administrative Hearings shall set the matter for a hearing to be conducted by an administrative law judge following all rules and procedures set

forth in Chapter 2, Article IX, of the Cook County Code. In addition to assessing a fine, the administrative law judge may, as a sanction, order the respondent to pay any outstanding compliance fees alleged in the citation and found by the administrative law judge to be due and owing to the Department. In determining the amount of the fine, the following factors shall be taken into consideration:

- (1) The gravity of the offense,
- (2) The respondent's past history with respect to compliance with the provisions of this chapter,
- (3) The respondent's financial situation,
- (4) The extent of respondent's cooperation,
- (5) The likelihood that the respondent will violate the provisions of this chapter in the future, unless deterred from doing so by the imposition of the maximum fine, and
- (6) Any other factors relevant to the circumstances relating to the violation.

Section	Violation	Fine
30-542(a)	Release of ACM in the air	\$5,000.00
30-542(b)(1)a.	Workers with no valid IDPH ACM Abatement license	300.00
30-542(a)(4)	Lack of vacuumed or sealing ACM waste	3,000.00
30-543(c)(1)	Lack of enclosure if required	5,000.00
30-543(d)	Visible release of ACM in the air	5,000.00
30-544(a)(3)	Structure not adequately wet	1,000.00
30-544(a)(4)	ACM dropped without dust tight method	3,000.00
30-544(a)(5)	ACM not contained for transportation	5,000.00
30-544(b)(2)a	No valid demolition permit	500.00
30-544(b)(2)b	No valid ACM abatement permit	500.00
30-92	Late payment of fees	300.00
30-186	No valid certificate of operation	300.00
30-455(a)	Noise	300.00

30-421	Noxious odors	500.00
<u>30-551</u>	<u>No valid Asbestos Removal Contractor Certificate of Registration</u>	<u>1,000.00</u>

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 32 Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule.**

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>Chapter 30. Environment</b>		
<u>30-551</u>	<u>Asbestos Removal Contractor Certificate of Registration, initial or renewed</u>	<u>200.00</u>

**EFFECTIVE DATE:** This Ordinance Amendment shall take effect on the 60<sup>th</sup> day following passage.

\*Referred to the Committee on Finance on 11/01/11.

**Commissioner Garcia, seconded by Commissioner Steele, moved approval of the proposed ordinance amendment (Communication No. 315198). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315198**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Silvestri, Suffredin, and Tobolski (13)

Nays: Commissioners Beavers, Collins and Schneider (3)

Absent: Commissioner Steele (1)

**The motion carried and the amendment to the Asbestos and Related Substances Ordinance (Communication No. 315198) was approved and adopted.**

315199

**AN AMENDMENT TO CHAPTER 30 ENVIRONMENT, ARTICLE II, DIVISION 3, SECTION. 30-96 (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, Jesus G. Garcia, Gregg Goslin and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**WHEREAS**, the Cook County Board of Commissioners has authorized pursuant to Chapter 30 Environment, Article II, Division 3, Sec. 30-96 the establishment of fees to be collected by the Department of Environmental Control for the inspection of plans, open burning applications, and the issuance of an installation permit for the installation, erection, construction, reconstruction, alteration of, or addition to any fuel-burning, combustion, or process equipment, process or device, storage tank, land remediation process, and installation of any apparatus or device for the prevention, arresting, or reducing of the discharge of smoke, particulate, liquid, gaseous, or other matter; and

**WHEREAS**, the \$20.00 filing fee for the evaluation of plans authorized under Sec. 30-96 has not been increased since 1991; and

**WHEREAS**, a cost analysis has been performed by the Department of Environmental Control regarding the time and costs associated in the evaluation of such plans and has determined that the fee associated does not cover the Department's costs.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule.**

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>Chapter 30, Environment</b>		
30-96(1)	Filing fee for the evaluation of plans: <del>The first ten units or multiples of ten including domestic incinerators, except domestic heating</del>	<del>20.00</del> <u>140.00</u>

**EFFECTIVE DATE:** This Ordinance Amendment shall take effect on the 60<sup>th</sup> day following passage.

**\*Referred to the Committee on Finance on 11/01/11.**

Commissioner Garcia, seconded by Commissioner Reyes, moved approval of the proposed ordinance amendment (Communication No. 315199). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315199**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Silvestri, Steele, Suffredin, and Tobolski (14)

Nays: Commissioners Beavers, Collins and Schneider (3)

The motion carried and the proposed amendment to the Environment Code (Communication No. 315199) was approved and adopted.

315200 **AN ORDINANCE AMENDMENT TO PART E. PERMIT FEE SCHEDULE FOR COOK COUNTY DEPARTMENT OF BUILDING AND ZONING (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jesus G. Garcia, County Commissioner.  
PROPOSED ORDINANCE AMENDMENT

**PERMIT FEE SCHEDULE FOR COOK COUNTY  
DEPARTMENT OF BUILDING AND ZONING**

**BE IT ORDAINED**, by the Cook County Board of Commissioners pursuant to its home rule authority that Part E, Permit Fee Schedule of the Cook County Building Ordinance is hereby amended as follows:

**PART E. PERMIT FEE SCHEDULE FOR COOK COUNTY DEPARTMENT OF  
BUILDING AND ZONING**

**CONTRACTOR'S BUSINESS REGISTRATION FEE**

Fee for initial registration of all contractors\* shall be ~~Seventy five (\$75)~~ One hundred five (\$105.00) Dollars, which sum shall be paid by Applicant in advance and upon filing application; provided, however, that any Registrant may renew his registration upon the payment of the Annual Renewal Fee of ~~Thirty seven dollars and fifty cents (\$37.50)~~ Fifty two Dollars and Fifty Cents (\$52.50).

All registrations will run concurrent to the County fiscal year, December 1st to November 30th.

\* Contractor registration will be applicable to all those in the building trades who contract to supply certain materials or do certain work for a stipulated sum. Property owners (i.e. homeowners) can serve as their own general contractor without registering and/or paying registration fees.

**ANNUAL INSPECTIONS**

Annual Inspections shall be at the rate of ~~\$45.00~~ \$63.00 per hour, per inspector and include but not limited to the following inspections: plumbing, electrical, building, fire, elevator, and liquor and/or food dispensing establishments.

Extenuating inspections shall be billed at double the normal rate and with the approval of the Building Commissioner.

**LOCAL PUBLIC ENTITIES AND NON-PROFIT ORGANIZATION FEES**

A. All building and zoning permit fees, including annual and semi-annual inspection fees, shall be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library systems and all other local governmental bodies. For purposes of this section, the waiver shall apply to Brookfield Zoo and Chicago Botanic Gardens, which are operated on forest preserve district property.

B. Valid not-for-profit organizations will be required to pay ten (10) percent of the standard fees as established by ordinance.

**ZONING FEE SCHEDULE**

**1-Z. REVISED FEES FOR PETITIONERS FOR PUBLIC HEARINGS ON MAP AND TEXT AMENDMENTS, SPECIAL USES AND VARIATION TO THE COOK COUNTY ZONING ORDINANCE AS COMPREHENSIVELY AMENDED.**

A	Petition for a Text Amendment	\$ <del>375.00</del> <u>525.00</u>
B	Petition for a Map Amendment	
1.	Less than one acre	<del>300.00</del> <u>420.00</u>
2.	One acre to five acres	<del>675.00</del> <u>945.00</u>
3.	Five acres to ten acres	<del>1,350.00</del> <u>1,890.00</u>
4.	Ten acres to twenty acres	<del>1,800.00</del> <u>2,520.00</u>
C	Petitions for the Following Special Uses	
1.	Excavations for Artificial Lake on which Subdivision is proposed	<del>1,500.00</del> <u>2,100.00</u>
2.	If sand, gravel, rock or fill to be sold from above item, additional	<del>3,000.00</del> <u>4,200.00</u>
3.	Extraction of rock, sand, gravel, peat or any type of Borrow Pit	<del>3,000.00</del> <u>4,200.00</u>
4.	Extraction of Top Soil	<del>750.00</del> <u>1,050.00</u>
5.	Sanitary Land Fill	<del>4,500.00</del> <u>6,300.00</u>
6.	Dry Land Fill	
	Under five acres	<del>375.00</del> <u>525.00</u>
	Over five acres	<del>3,000.00</del> <u>4,200.00</u>
7.	All hospitals, sanitariums, convalescent homes, nursing and rest homes for profit	<del>1,500.00</del> <u>2,100.00</u>
8.	Planned Developments	

	300.00	<u>420.00</u>
Five acres and under	675.00	<u>945.00</u>
Over five acres to ten acres	1,050.00	<u>1,470.00</u>
Over ten acres to fifteen acres	1,800.00	<u>2,520.00</u>
Over fifteen acres	375.00	<u>525.00</u>
9. All other listed Special Uses as provided for in the Zoning Ordinance		
D. Petitions for Variations		
1. All variations in all residential districts, regardless of number of different variations sought	<del>\$112.50</del>	<del>\$157.50</del> or <del>\$22.50</del> <u>\$31.50</u> per lot whichever is greater
2. All variations in all commercial and industrial districts, regardless of number of variations sought	<del>\$225.00</del>	<u>\$315.00</u> plus cost of court reporter transcript
E. Any combination of petitions, such as an Amendment, Special Use, and Variation, if requested by the applicant, will be treated as individual petitions as far as fees are concerned, but will be consolidated and heard at the designated time for the Public Hearing, before the Zoning Board of Appeals of Cook County.		
F. Fees for any other uses not included in this list or new uses not yet conceived, shall be determined by the Commissioner of Building and Zoning until such time as a resolution can be presented to the Board of Commissioners of Cook County.		

**2-Z. FOR USES OF LAND NOT INVOLVING BUILDINGS**

NOTE: All Acreage Computed on Gross Acres as Computed by Surveyor on Plat of Survey.

- A. Sanitary Land Fill (Garbage Disposal or Organic Materials)  
~~\$450.00~~ \$630.00 + ~~\$150.00~~ \$210.00 per acre or fraction thereof.
- B. Commercial Land Fill (Filling Holes with Non-combustible Materials, Stone, Concrete, Clay, Etc.)  
~~\$450.00~~ \$630.00 + ~~\$150.00~~ \$210.00 per acre or fraction thereof.
- C. Quarries (Extraction of Rock, Stone, Etc.)  
~~\$450.00~~ \$630.00 + ~~\$150.00~~ \$210.00 per acre or fraction thereof.
- D. Borrow Pits (Extraction of Gravel or Soil)  
~~\$450.00~~ \$630.00 + ~~\$150.00~~ \$210.00 per acre or fraction thereof.
- E. Commercial Peat Bogs (Extraction of Peat)  
~~\$375.00~~ \$525.00 + ~~\$105.00~~ \$147.00 per acre or fraction thereof.
- F. Commercial Stripping of Top Soil  
~~\$450.00~~ \$630.00 + ~~\$150.00~~ \$210.00 per acre or fraction thereof.
- G. Golf Courses, including Par 3 (Establishment of Fairways and Greens)  
~~\$375.00~~ \$525.00 + ~~\$105.00~~ \$147.00 per Fairway and Green
- H. Miniature Golf Courses.  
~~\$450.00~~ \$630.00.
- I. Golf Driving Ranges  
~~\$450.00~~ \$630.00.
- J. Barge Slips (Any Size)  
~~\$525.00~~ \$735.00
- K. Creation of Artificial Lakes and Ponds or Detention Ponds.  
~~\$225.00~~ \$315.00 + ~~\$112.50~~ \$157.50.

- L. Any other uses not included in this list or new uses not yet conceived to be at the discretion of the Commissioner of Building and Zoning until such time resolution can be presented to the Board of Commissioners of Cook County to establish fee schedule.
- M. These fees do not include the cost of any buildings or any plumbing or electrical work that may be needed in conjunction with the project. Additional fees will be assessed separately based on the existing construction fee schedule.

**3-Z. FOR USES OF LAND INVOLVING BUILDINGS AND/OR NEW CONSTRUCTION**

A. Single Family Residence District (R-1 through R-5)	
1. Plan examination fee for principal uses	<del>75.00</del> <u>105.00</u>
2. Plan examination fee for accessory uses	<del>60.00</del> <u>84.00</u>
B. General Residence Districts (R-6 and R-8)	
1. Plan examination fee for principal uses for a two to six dwelling structure	<del>75.00</del> <u>105.00</u>
plus <del>\$10.00</del> <u>\$15.00</u> for each additional dwelling unit	
	<del>60.00</del> <u>84.00</u>
2. Plan examination fee for a single accessory use for a two to six dwelling units structure	
plus <del>\$10.00</del> <u>\$15.00</u> for each additional accessory use when included with the submission of a principal use or accessory use.	
C. Business District (C-1 through C-8)	
1. Plan examination fee for principal uses.	<del>112.50</del> <u>157.50</u>
2. Plan examination fee for accessory uses.	<del>90.00</del> <u>126.00</u>
D. Manufacturing District (I-1 through I-4)	
1. Plan examination fee for principal uses.	<del>112.50</del> <u>157.50</u>
2. Plan examination fee for accessory uses.	<del>90.00</del> <u>126.00</u>
E. Miscellaneous Uses	
1. Plan examination fee for special uses.	<del>75.00</del> <u>105.00</u>
2. Floodplain, Drainage, Grading and Soil Erosion, Sediment Control Permits.	
a. Residential:	
One (1) Acre or less	<del>56.25</del> <u>78.75</u>
Over One (1) to Two (2) Acres	<del>112.50</del> <u>157.50</u>
Over Two (2) to Three (3) Acres	<del>168.75</del> <u>236.25</u>
Over Three (3) to Five (5) Acres	<del>225.00</del> <u>315.00</u>
Over Five (5) Acres Constitutes a Landfill and a Special Use is required.	
b. Commercial, Industrial and Public Land:	
One (1) Acre or less	<del>131.25</del> <u>183.75</u>
Over One (1) to Two (2) Acres	<del>187.50</del> <u>262.50</u>
Over Two (2) to Three (3) Acres	<del>262.50</del> <u>367.50</u>
Over Three (3) to Five (5) Acres	<del>300.00</del> <u>420.00</u>
Over Five (5) Acres Constitutes a Landfill and a Special Use is required.	
F. Grading and Drainage Highway Review	

1. Residential	
One (1) Acre or less	<del>37.50</del> <u>52.50</u>
Over One (1) to Two (2) Acres	<del>75.00</del> <u>105.00</u>
Over Two (2) to Three (3) Acres	<del>112.50</del> <u>157.50</u>
Over Three (3) to Five (5) Acres	<del>187.50</del> <u>262.50</u>
Over Five (5) Acres	<del>225.00</del> <u>315.00</u>
2. Commercial, Industrial and Public Land	
One (1) Acre or less	<del>225.00</del> <u>315.00</u>
Over One (1) to Two (2) Acres	<del>300.00</del> <u>420.00</u>
Over Two (2) to Three (3) Acres	<del>375.00</del> <u>525.00</u>
Over Three (3) to Five (5) Acres	<del>450.00</del> <u>630.00</u>
Over Five (5) Acres	<del>750.00</del> <u>1050.00</u>

Where a plan submittal is rejected a third time, an additional fee of ~~\$150.00~~ \$210.00 shall be paid before a fourth review is made. An additional fee of ~~\$150.00~~ \$210.00 shall be charged for each subsequent submittal and review.

**4-Z** Appeal by any person or entity or by any officer, department, board or bureau aggrieved by a decision of the Zoning Administrator (see Article 13.3.5 of the Cook County Zoning Ordinance) shall pay a fee of ~~\$1000.00~~ \$1400.00\*

Continuation Fee      ½ cost of fee  
Additional appearance fee may be assessed      ~~-\$500.00~~ \$700.00

**\*Refundable if Appeal is upheld**

**5-Z** Extension of time on variance      ~~\$100.00~~ \$140.00  
Extension of time on Special Use      ~~\$200.00~~ \$280.00

**BUILDING PERMIT FEE SCHEDULE**

**1-B. NEW CONSTRUCTION**  
Minimum Fee of      ~~52.50~~ 73.50

or ~~\$15.00~~ \$21.00 each for each 1,000 cubic fee of volume, or fractional part of space computed from the basement to the highest part of the roof including all projections.

**2-B. PRIVATE GARAGES – SHEDS**  
Minimum Fee is      ~~40.50~~ 56.70

or ~~\$15.00~~ \$21.00 each for each 1,000 cubic fee of volume, or fractional part computed from the basement to the highest part of the roof including all projections.

**3-B. ALTERATIONS, REMODELING AND MISCELLANEOUS ITEMS OF CONSTRUCTION**  
Minimum Fee is      ~~52.50~~ 73.50

plus ~~\$15.00~~ \$21.00 for each additional \$1,000.00 of estimated cost in excess of \$5,000.00. The estimated cost shall be based on the cost as shown on contracts signed between the owner and all contractors for the actual cost of the project.

<b>4-B. DEMOLITION</b>	
A. One (1) story or single family detached dwelling	<del>112.50</del> <u>157.50</u>
B. Sheds or private garages	<del>75.00</del> <u>105.00</u>
	+ <del>1%</del> <u>1.5%</u> of cost of work, minimum
C. Other than above	<del>\$450.00</del> <u>\$630.00</u>
<b>5-B. TRAILER CAMPS</b>	
Minimum Fee is	<del>100.00</del> <u>150.00</u>
plus <del>\$37.50</del> <u>\$52.50</u> for each trailer site.	
<b>6-B. AMUSEMENT PARKS</b>	
A. Portable Devices – for each exhibit	<del>75.00</del> <u>105.00</u>
B. Permanent Devices – for each exhibit	<del>300.00</del> <u>420.00</u>
<b>7-B. CANOPIES</b>	
Fee	<del>150.00</del> <u>210.00</u>
<b>8-B. MARQUEES – SIGNS – BILLBOARDS</b>	
A. 100 Square Feet or less (other than Billboards)	<del>37.50</del> <u>52.50</u>
B. 101 to 250 Square Feet (other than Billboards)	<del>75.00</del> <u>105.00</u>
C. Each additional 100 sq. ft. above 250 sq. ft. (other than Billboards)	<del>22.50</del> <u>31.50</u>
D. Billboards 100 sq. ft. or less	<del>300.00</del> <u>420.00</u>
Over 100 sq. ft.	<del>600.00</del> <u>840.00</u>
<b>9-B. ISOLATED CHIMNEYS</b>	
Fee	<del>150.00</del> <u>210.00</u>
<b>10-B. FENCES OVER FIVE (5) FEET IN HEIGHT</b>	
Minimum Fee is	<del>225.00</del> <u>315.00</u>
plus <del>\$1.50</del> <u>\$2.10</u> for each 10 lineal feet in excess of 100 lineal feet.	
<b>11-B. FIRE ESCAPES</b>	
Minimum Fee is	<del>52.50</del> <u>73.50</u>
plus <del>\$15.00</del> <u>\$21.00</u> for each floor in excess of 2nd floor.	
<b>12-B. STORAGE TANKS ABOVE GROUND</b>	
Minimum Fee is	<del>300.00</del> <u>420.00</u>
<b>13-B. ROOF RECOATING OR COVERING</b>	
Residential SFR	<del>No Fee</del> <u>75.00</u>
Multi Family	<del>150.00</del> <u>150.00</u>
Commercial fee for 1,000 square feet is	<del>150.00</del> <u>210.00</u>
Each additional 100 square feet above 1,000 square feet	<del>30.00</del> <u>42.00</u>

**14-B. TEMPORARY TRAILERS FOR OFFICE OR OTHER PERMITTED USE**  
(For one year only) Minimum Fee 375.00 525.00

**15-B. PERMIT PENALTY FEES**

A penalty shall be added to a permit fee whenever construction is started prior to departmental approval or exceeds departmental approval in the case of a Temporary Permit.

A penalty, as noted below, shall be added to a permit fee whenever construction is started prior to departmental approval or exceeds departmental approval in the case of a Temporary Permit.

Single Family	300.00 <u>420.00</u>
All Others	675.00 <u>945.00</u>

or minimum 10% of total permit fee, whichever is greater.

**16-B. MISCELLANEOUS USES**

Temporary Tent	450.00 <u>630.00**</u>
Antennas	
Below seventy-five (75) feet	225.00 <u>315.00</u>
Above seventy-five (75) feet	375.00 <u>525.00</u>
Gas Pumps	20.00 <u>28.00**</u>
Spray Booth	225.00 <u>315.00</u>
Satellite Dish	225.00 <u>315.00</u>
Swimming Pool—Minimum \$75 <u>\$105</u> or <del>\$37.50</del> <u>\$52.50</u> per 1000 cubic feet	
Underground Storage Tank—Minimum <del>\$75</del> <u>\$105</u> to 1000 gallon or \$45 <u>\$63</u> /1000 gallon above 1000	
Change of Contractor	<del>\$52.50</del> <u>\$73.50</u>
Plan Revision	<del>\$52.50</del> <u>\$73.50</u>
Garage Venting	<del>\$45.00</del> <u>\$63.00</u>
Mobile Home , Set Up	<del>\$52.50</del> <u>\$73.50</u>
Air Handler/Hood Fan	<del>\$37.50</del> <u>\$52.50</u>
Towers (shot link)	<del>\$375.00</del> <u>\$525.00</u>
Bleachers	<del>\$232.50</del> <u>\$325.50</u>
Leaderboard	<del>\$97.50</del> <u>\$136.50</u>
Thru & Leaderboards (split)	<del>\$165.00</del> <u>\$231.00</u>
Thru & leaderboards (together)	<del>\$142.50</del> <u>\$199.50</u>
Monster Board	<del>\$187.50</del> <u>\$262.50</u>
Public Scoreboard	<del>\$165.00</del> <u>\$231.00</u>
Fireworks	<del>\$135.00</del> <u>\$189.00</u>

\*\*plus applicable plumbing and electrical fees

**17-B**

<p><b>A.</b> Preliminary Conference Fee with Architect, Plumbing and/or Electrical Plan Examiners <del>\$50.00</del> <u>\$70.00</u> (per discipline). This fee shall be charged for the preliminary plan review of projects and plans other than single family buildings.</p>	<p><del>\$50.00</del> <u>\$70.00</u> (per discipline)</p>
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<p><b>B.</b> Re-review of submitted architectural plans by Chief Plan Examiner</p> <p>1<sup>st</sup> re-review</p> <p>2<sup>nd</sup> re review</p> <p>3<sup>rd</sup> re review</p> <p>4<sup>th</sup> re review &amp; subsequent</p>	<p>No Charge</p> <p><del>-\$50.00</del>    <u>\$70.00</u></p> <p><del>\$100.00</del>   <u>\$140.00</u></p> <p><del>\$500.00</del>   <u>\$700.00</u></p>
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**MECHANICAL PERMIT FEES**

**1-M. BOILER FEES**

A. For each low pressure boiler	75.00 <u>105.00</u>
B. High pressure boiler	<del>150.00</del> <u>210.00</u>
C. Unfired pressure vessel	<del>37.50</del> <u>52.50</u>
D. Steam	75.00 <u>105.00</u>
E. Hot water coil	<del>37.50</del> <u>52.50</u>
F. Steam coil	<del>37.50</del> <u>52.50</u>

**2-M. REFRIGERATION**

A. Cooler unit per each	75.00 <u>105.00</u>
B. Freezer unit per each	<del>112.50</del> <u>157.50</u>
C. Single family dwelling air conditioning Minimum to 3½ tons & <del>\$15</del> <u>\$21</u> each ton above 3½	45.00 <u>63.00</u>
D. Multiple family dwelling air conditioning each unit Minimum to 3½ tons & <del>\$15</del> <u>\$21</u> each ton above 3½	45.00 <u>63.00</u>
E. Non-residential air conditioning	22.50 <u>31.50</u> per ton, Minimum <del>\$150</del> <u>\$210.00</u>

**3-M. WARM AIR FURNACES**

A. Fee for single family	75.00 <u>105.00</u>
B. Others (gas or electric)	<del>22.50</del> <u>31.50</u> /100,000 BTU, Minimum <del>\$112.50</del> <u>\$157.50</u>
C. Air handling units	<del>112.50</del> <u>157.50</u>

**4-M. MECHANICAL VENTILATING SYSTEMS**

(Except for Single and Multiple Family Dwellings)

A. Supply or Exhaust – Minimum Fee	45.00 <u>63.00</u>
plus <del>\$15.00</del> <u>\$21.00</u> for each 1,000 cubic feet of air per minute in excess of 1,000 cubic feet of air per minute. Add <del>\$37.50</del> <u>\$52.50</u> for each exhaust fan.	
B. Increase in capacity – <del>\$7.50</del> <u>\$10.50</u> for each 1,000 cubic feet of air per minute. Add <del>\$37.50</del> <u>\$52.50</u> for each exhaust fan.	
NOTE: The capacity of the system is the sum of supply and exhaust.	

C. Single Family Dwellings	37.50 <u>52.50</u>
D. Multiple Family Dwellings each apartment unit	37.50 <u>52.50</u>
<b>5-M. ELEVATORS AND ESCALATORS</b>	
Minimum Fee is	225.00 <u>315.00</u>
plus an additional fee of <del>\$75.00</del> <u>\$105.00</u> per floor, for each floor above three (3).	
<b>6-M. LIFTS</b>	
Fee	37.50 <u>52.50</u>
<b>7-M. DUMBWAITERS</b>	
A. Power Operated – Minimum Fee	37.50 <u>52.50</u>
plus <del>\$7.50</del> <u>\$10.50</u> for each floor above three (3).	
B. Hand Operated – Minimum Fee	41.25 <u>15.75</u>
plus <del>\$7.50</del> <u>\$10.50</u> for each floor above three (3).	
<b>8-M. STAGE CURTAINS</b>	
A Fee of <del>\$52.50</del> <u>\$73.50</u> will be assessed for each set of mechanical or electrically operated stage curtains.	52.50 <u>73.50</u>
<b>9-M. FIREPLACE</b>	
Fee	22.50 <u>31.50</u>

**ELECTRICAL PERMIT FEE SCHEDULE**

<b>1-E. SINGLE FAMILY DWELLINGS</b>		
0 to 499 Square Feet		52.50 <u>73.50</u>
500 to 799 Square Feet		67.50 <u>94.50</u>
800 to 1599 Square Feet		82.50 <u>115.50</u>
1600 to 1999 Square Feet		105.00 <u>147.00</u>
2000 and Over		127.50 <u>178.50</u>
<b>2-E. MULTI-FAMILY DWELLINGS, COMMERCIAL &amp; INDUSTRIAL</b>		
A.		
	15	20
CIRCUITS	AMPERES	AMPERES
1	<del>23.25</del> <u>32.55</u>	<del>27.38</del> <u>38.33</u>
2	38.25 <u>53.55</u>	52.50 <u>73.50</u>
3	52.50 <u>73.50</u>	70.13 <u>98.18</u>
4	<del>67.88</del> <u>95.03</u>	88.13 <u>123.38</u>
5	83.25 <u>116.55</u>	108.00 <u>151.20</u>
6	102.75 <u>143.85</u>	127.88 <u>179.03</u>
7	119.25 <u>166.95</u>	149.25 <u>208.95</u>
8	124.13 <u>173.78</u>	162.38 <u>227.33</u>
9	135.38 <u>189.53</u>	177.75 <u>248.85</u>

10		<del>147.75</del> <u>206.85</u>		<del>198.00</del> <u>277.20</u>
11		<del>155.25</del> <u>217.35</u>		<del>207.38</del> <u>290.33</u>
12		<del>162.75</del> <u>227.85</u>		<del>217.50</del> <u>304.50</u>
13		<del>173.25</del> <u>242.55</u>		<del>231.38</del> <u>323.93</u>
14		<del>183.38</del> <u>256.73</u>		<del>235.13</del> <u>329.18</u>
15		<del>189.75</del> <u>265.65</u>		<del>240.38</del> <u>336.53</u>
16		<del>195.38</del> <u>273.53</u>		<del>255.00</del> <u>357.00</u>
17		<del>204.75</del> <u>286.65</u>		<del>267.38</del> <u>374.33</u>
18		<del>210.38</del> <u>294.53</u>		<del>276.75</del> <u>387.45</u>
19		<del>216.00</del> <u>302.40</u>		<del>288.00</del> <u>403.20</u>
20		<del>229.88</del> <u>321.83</u>		<del>300.00</del> <u>420.00</u>
21		<del>239.63</del> <u>335.48</u>		<del>312.38</del> <u>437.33</u>
22		<del>249.38</del> <u>349.13</u>		<del>321.75</del> <u>450.45</u>
23		<del>257.25</del> <u>360.15</u>		<del>332.63</del> <u>465.68</u>
24		<del>266.25</del> <u>372.75</u>		<del>342.38</del> <u>479.33</u>
25		<del>279.75</del> <u>391.65</u>		<del>355.13</del> <u>497.78</u>
26 to 50				
inclusive,	<del>9.38</del>			
each add'l	<u>13.13</u>	<del>236.25</del> <u>330.75</u>	<del>12.00</del> <u>16.80</u>	<del>300.00</del> <u>420.00</u>
cir.				
51 to 75				
inclusive,	<del>9.00</del>			
each add'l	<u>12.60</u>	<del>227.63</del> <u>318.68</u>	<del>12.00</del> <u>16.80</u>	<del>288.00</del> <u>403.20</u>
cir.				
76 to 100				
inclusive,	<del>8.25</del>			
each add'l	<u>11.55</u>	<del>206.25</del> <u>288.75</u>	<del>10.13</del> <u>14.18</u>	<del>257.25</del> <u>360.15</u>
cir.				
more than				
100	<del>7.50</del>	<del>948.75</del> <u>1,328.25</u>	<del>9.38</del> <u>13.13</u>	<del>1,200.00</del> <u>1,680.00</u>
	<u>10.50</u>			

B. 3 Wire Circuit – 15 or 20 Ampere 2 pole – Double number of circuits shown above.

30 Ampere Circuits – Double amount of 15 ampere circuits shown above.

3-Phase – 4 Wire Circuit – 15 or 20 Ampere 3 pole – Triple number of circuits shown above.

50 Ampere Circuits 3 Pole – Triple number of 20 ampere circuits shown above.

C. Single Family Dwellings

0 to 499 Square Feet	<del>52.50</del>
	<u>73.50</u>
500 to 799 Square Feet	<del>67.50</del>
	<u>94.50</u>
800 to 1599 Square Feet	<del>82.50</del>

	<u>115.50</u>
1600 to 1999 Square Feet	<del>105.00</del> <u>10</u>
	<u>5.00</u>
2000 and Over	<del>127.50</del> <u>12</u>
	<u>7.50</u>
D. Motor and Other Forms of Power	
Motors ¼ and over	<del>52.50</del>
	<u>73.50</u>
Additional motors or devices	<del>13.50</del>
	<u>18.90</u>
E. Cut-Over Jobs	
Fees on time basis: Per Hour	<del>52.50</del>
	<u>73.50</u>
F. Inspection of temporary installation, underground or overhead wires and apparatus	
Fee on time basis: Per Hour	<del>52.50</del> <u>73.</u>
	<u>50</u>
G. Re inspection of any electrical apparatus – altered, changed or repaired	
Fee on time basis: Per Hour	<del>52.50</del>
	<u>73.50</u>
H. Extra inspections due to faulty information or construction or failure to repair	
Fee for each such inspection	<del>52.50</del> <u>73.</u>
	<u>50</u>
Minimum Electrical Inspection Fee	<del>52.50</del>
	<u>73.50</u>
<b>3-E. PERMIT FEES – INSTALLATION OR ERECTION OF:</b>	
1. Smoke and/or Fire Detector Systems	
1st 5 devices	<del>52.50</del> <u>73.50</u>
Each additional	<del>13.50</del> <u>18.90</u>
2. Central Vacuum Systems	
Residential	<del>52.50</del> <u>73.50</u>
Multi-Family (Per Unit)	<del>45.00</del> <u>63.00</u>
3. Burglar Alarm Systems	<del>52.50</del> <u>73.50</u>
4. Garages	<del>45.00</del> <u>63.00</u>
5. Electric Heat	
Residential	<del>52.50</del> <u>73.50</u>
Multi-Family (Per Unit)	<del>52.50</del> <u>73.50</u>
6. Wind-Powered Electrical Fees	<del>52.50</del> <u>73.50</u>
<b>4-E. INSPECTION FEES FOR ILLUMINATED SIGNS</b>	
A. Permit fees and subsequent annual inspection fees for illuminated signs projecting over public property shall be the same and shall be computed at the rate of <del>\$0.75</del> <u>\$1.05</u> per square feet of area of each face.	
B. Area of skeleton letter designs shall be computed as that area within the perimeter design of the letters. No fee shall be less than <del>\$37.50</del> <u>\$52.50</u> .	

- C. Permit fees and subsequent annual inspection fees for illuminated signs over private property and for illuminated signs flat against a building and for illumination of painted wall signs or illumination of signboards shall be computed as follows:
- |  |                                 |
|--|---------------------------------|
| 15 square feet or less – Single Face       | <del>37.50</del> <u>52.50</u>   |
| 15 square feet or less – Double Face       | <del>52.50</del> <u>73.50</u>   |
| 16 to 32 square feet – Single Face         | <del>52.50</del> <u>73.50</u>   |
| 16 to 32 square feet – Double Face         | <del>67.50</del> <u>94.50</u>   |
| Any sign over 32 square feet – Single Face | <del>75.00</del> <u>105.00</u>  |
| Any sign over 32 square feet – Double Face | <del>105.00</del> <u>147.00</u> |
- D. Where sign is erected entirely over and above the roof of building, the permit fee and subsequent annual inspection fee for inspection of structure shall be ~~\$381.00~~ \$533.40 for the first 500 square feet, and ~~\$0.45~~ \$0.63 each per square foot over 500. Area shall be computed on the actual area of display surface.
- E. The fees for permits issued for re-erection or alteration of any illuminated sign or for illumination on signboards shall be for
- |   |  |
|---|--|
| 1. Signs/signboards 100 sq. ft. or less | <del>75.00</del> <u>105.00</u>                               |
| 2. Signs/signboards over 100 sq. ft.    | <del>1.50</del> <u>2.10</u> per square foot of display area. |
- F. The fees for permits issued for illuminated signs to be erected for a period not to exceed thirty (30) days, shall be ¼ of the permanent sign fee. No fee shall be less than ~~\$37.50~~ \$52.50.
- G. The fee for cancellation of a permit shall be ~~\$22.50~~ \$31.50 and shall be deducted before the remaining amount is refunded.

**5-E. SWIMMING POOL ELECTRICAL FEES**

- |                                   |                               |
|-----------------------------------|-------------------------------|
| A. Portable swimming pool (each)  | <del>37.50</del> <u>52.50</u> |
| B. In-ground swimming pool (each) | <del>67.50</del> <u>94.50</u> |

**6-E. CARNIVAL, CIRCUS AND TEMPORARY DISPLAY**

- |             |                               |
|-------------|-------------------------------|
| Minimum Fee | <del>60.00</del> <u>84.00</u> |
|-------------|-------------------------------|

**7-E. ELECTRIC CHANGE OF SERVICE FEES**

- |                           |                                 |
|---------------------------|---------------------------------|
| Residential               |                                 |
| 100 Amp to 200 Amp        | <del>52.50</del> <u>73.50</u>   |
| 200 Amp to 400 Amp        | <del>90.00</del> <u>126.00</u>  |
| Temporary Service         |                                 |
| Minimum Fee               | <del>52.50</del> <u>73.50</u>   |
| Commercial and Industrial |                                 |
| 200 Amp to 400 Amp        | <del>90.00</del> <u>126.00</u>  |
| 600 Amp                   | <del>120.00</del> <u>168.00</u> |
| 800 Amp                   | <del>150.00</del> <u>210.00</u> |
| 1200 Amp                  | <del>180.00</del> <u>252.00</u> |
| 1600 Amp                  | <del>210.00</del> <u>294.00</u> |

2000 Amp	240.00 <u>336.00</u>
3000 Amp	300.00 <u>420.00</u>
4000 Amp	420.00 <u>588.00</u>

<b>8-E.</b>	<b>COMMUNITY ANTENNA TELEVISION AND RADIO, SATELLITE COMMUNICATION SYSTEM FEES</b>	
	A. Minimum Permit Inspection Fee	52.50 <u>73.50</u>
	B. Service (Amplifier Booster Station)	22.50 <u>31.50</u>
	C. Single-Family Dwellings	22.50 <u>31.50</u>
	D. Multi-Family Dwellings, Commercial and Industrial	
	Individual Units	16.13 <u>22.58</u>
	Per Mile of Cable or part thereof	150.00 <u>210.00</u>
	Junction Box or Splicing Box	22.50 <u>31.50</u>
	Antenna	22.50 <u>31.50</u>
	Head in Electronics (Main Distribution)	45.00 <u>63.00</u>

**PLUMBING PERMIT FEE SCHEDULE**

<b>1-P.</b>	<b>WATER SUPPLY</b>	
	A. Connections to Existing Supply – New Construction	60.00 <u>84.00</u>
	Repair to existing connections	40.50 <u>56.70</u>
	B. Well Drilling – New Construction	60.00 <u>84.00</u>
	Repair to existing well	40.50 <u>56.70</u>
	C. Change-over from Well to Municipal Water Supply	60.00 <u>84.00</u>
	D. Plug Well	60.00 <u>84.00</u>
<b>2-P.</b>	<b>SEWAGE DISPOSAL</b>	
	A. Septic System – New Construction	75.00 <u>105.00</u>
	Repair or alterations	60.00 <u>84.00</u>
	B. Sewer System – New Construction	52.50 <u>73.50</u>
	Repair or alterations	37.50 <u>52.50</u>
	C. Change-over from Septic to Sanitary Sewer	52.50 <u>73.50</u>
<b>3-P.</b>	<b>PLUMBING</b>	
	A. Minimum Fee	85.50 <u>119.70</u>
	plus \$6.50 <u>\$9.75</u> for every fixture in excess of five fixtures	
	B. Replacement of Existing Fixtures	60.00 <u>84.00</u>
	plus \$5.00 <u>\$7.50</u> for every fixture in excess of five fixtures	
	C. Water Heaters (each)	45.00 <u>63.00</u>
	D. Lawn Sprinkler System – single units	37.50 <u>52.50</u>
	plus \$1.60 <u>\$2.40</u> per sprinkler head	
	E. Filling Stations – Permit Fees for the Storage of Flammable Liquids shall be:	
	1,065 gallons or less	90.00 <u>126.00</u>
	1,066 to 7,000 gallons	129.00 <u>180.60</u>
	7,001 to 25,000 gallons	193.50 <u>270.90</u>
	25,001 to 50,000 gallons	322.50 <u>451.50</u>
	50,001 to 100,000 gallons	387.00 <u>541.80</u>
	100,001 to 200,000 gallons	643.50 <u>900.90</u>
	F. Fire Line Sprinkler System	37.50 <u>52.50</u>

	plus <del>\$1.00</del> <u>\$1.50</u> per head.
G. Swimming Pools (In-ground)	97.50-136.50
Swimming Pools (Above-ground)	37.50-52.50
H. Sump and Ejector pumps and basins	15.00-21.00

NOTE: Fixture Connections covered by permit include but are not limited to the following:

Bathtubs	Kitchen Sinks	Urinals	
Bidets	Laundry Tubs	Washing Machines	
Dishwashers	Lavatories	Waste Openings	
Drinking Fountains	Showers-where separate	Water Closets	
Floor Drains	from tub	Water Openings	
Hose Connections	Slop Sinks		
I. Drain Tile Installation			52.50-73.50
J. Temporary Toilet Facilities (satellites) – Minimum Fee			75.00-105.00
For every unit in excess of five (5)			15.00-21.00

<b>4-P. ANNUAL PLUMBING INSPECTION FEE</b>	
Per Hour	45.00-63.00
<b>5-P. Manholes &amp; Sidebasins</b>	52.50 73.50
Gas Connection (each)	52.50 73.50

**TEMPORARY PERMIT FEE SCHEDULE**

<b>1-T. TEMPORARY SEATING</b>	
Fee	262.50-367.50
<b>2-T. TEMPORARY PLATFORM FOR PUBLIC ASSEMBLY</b>	
Fee	112.50-157.50
<b>3-T. FAMILY FALLOUT SHELTERS</b>	
Family Fallout Shelters shall have no fee, but shall meet the requirements in the Cook County Building Ordinance as stated in Section 17.5-1.	
<b>4-T. TEMPORARY CERTIFICATE OF OCCUPANCY</b>	
A. Temporary Certificates of Occupancy Fees shall be <del>\$25.00</del> <u>\$37.50</u> for one dwelling unit, <del>\$27.00</del> <u>\$40.50</u> for two dwelling units or <del>\$10.00</del> <u>\$15.00</u> per dwelling unit in structures with more than two dwelling units.	
B. Temporary Certificates of Occupancy Fees for other than residential structures shall be a minimum of <del>\$25.00</del> <u>\$37.50</u> ; and <del>\$15.00</del> <u>\$22.50</u> per hour or fraction thereof for those inspections lasting more than one (1) hour.	
<b>5-T. TEMPORARY FOOTING AND FOUNDATION</b>	
A. Single family dwellings	225.00-315.00
B. Multi-family dwellings, commercial units and other structures	450.00-630.00
<b>6-T. CERTIFICATE OF OCCUPANCY FOR EXISTING STRUCTURES</b>	
A. Certificate of Occupancy Fees shall be <del>\$25.00</del> <u>\$37.50</u> for one dwelling unit, <del>\$27.50</del> <u>\$41.25</u> for two dwelling units or <del>\$10.00</del> <u>\$15.00</u> per dwelling unit in structures with more than two dwelling units.	

**PERIODICAL, SEMI-ANNUAL AND ANNUAL  
FIELD INSPECTION FEE SCHEDULE**

Whenever periodical, semi-annual or annual inspections are required in accordance with Section 5.4-3 of the Cook County Building Ordinance, a minimum fee of ~~\$45.00~~ \$63.00 per hour or fraction thereof, for a building or zoning inspection.

**Article 5.3-4 IV Registration of Multiple Buildings- Time of Registration**

Initial Registration	<del>\$75.00</del>	<u>\$105.00</u>
Renewal	<del>\$37.50</del>	<u>\$52.50</u>
Renewal after 1 year	<del>\$75.00</del>	<u>\$105.00</u>

**Article 5.3-4 IX Penalties**

1 <sup>st</sup> offense	<del>\$75.00</del>	<u>\$105.00</u>
No more than	<del>\$300.00</del>	<u>\$420.00</u>
2 <sup>nd</sup> offense	<del>\$150.00</del>	<u>\$210.00</u>
No more than	<del>\$450.00</del>	<u>\$630.00</u>
Submission of False Information	<del>\$150.00</del>	<u>\$210.00</u>
No more than	<del>\$750.00</del>	<u>\$1050.00</u>

**EFFECTIVE DATE:** This Ordinance shall be effective on the 30th day following passage.

**\*Referred to the Committee on Finance on 11/01/11.**

**Commissioner Garcia, seconded by Commissioner Reyes, moved approval of the proposed ordinance amendment (Communication No. 315200). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315200**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Reyes, Silvestri, and Steele (9)

Nays: Commissioners Beavers, Collins, Gorman, Goslin, Murphy, Schneider, Suffredin, and Tobolski (8)

**The motion carried and the amendment to the Permit Fee Schedule for the Cook County Department of Building and Zoning (Communication No. 315200) was approved and adopted.**

315201 **DOCUMENT STORAGE FEE (PROPOSED ORDINANCE AMENDMENT).**  
Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and William Beavers, Jerry Butler, Jesus G. Garcia, Joan Patricia Murphy Edwin Reyes, Peter N. Silvestri and Deborah Sims, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**DOCUMENT STORAGE FEE**

**WHEREAS**, pursuant to Illinois Statute and Cook County home rule authority, the Recorder of Deeds (“Recorder”) is authorized to charge an additional fee for the filing of every instrument, paper or notice of record to defray the costs of document storage; and

**WHEREAS**, the Cook County Board of Commissioners previously adopted the Document Storage Fee Ordinance, Chapter 2, Article IV, Division 3, Subdivision 11, Section. 2-213 of the County Code, and the current fee is set at \$3.00; and

**WHEREAS**, the document storage fee has not been increased since 1989 and in order to defray the costs of document storage an increase is warranted.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule.**

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 2, ADMINISTRATION</b>		
2-213	Electronic copies of documents from Recorder's website, per document	<del>3.00</del> -5.00

**EFFECTIVE DATE:** This Ordinance shall be effective on the 30th day following

\*Referred to the Committee on Finance on 11/01/11.

Commissioner Garcia, seconded by Commissioner Steele, moved to accept a substitute ordinance amendment to Communication No. 315201. The motion carried, and Communication No. 315201 was amended by substitution, as follows:

**DOCUMENT STORAGE FEE (PROPOSED ORDINANCE AMENDMENT).**  
 Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and William Beavers, Jerry Butler, Jesus G. Garcia, Joan Patricia Murphy Edwin Reyes, Peter N. Silvestri and Deborah Sims, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**DOCUMENT STORAGE FEE**

**WHEREAS**, pursuant to Illinois Statute and Cook County home rule authority, the Recorder of Deeds (“Recorder”) is authorized to charge an additional fee for the filing of every instrument, paper or notice of record to defray the costs of document storage; and

**WHEREAS**, the Cook County Board of Commissioners previously adopted the Document Storage Fee Ordinance, Chapter 2, Article IV, Division 3, Subdivision 11, Section. 2-213 of the County Code, and the current fee is set at \$3.00; and

**WHEREAS**, the document storage fee has not been increased since 1989 and in order to defray the costs of document storage an increase is warranted.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule.**

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 2, ADMINISTRATION</b>		
2-213	Filing Fee	<del>3.00</del> 5.00

**EFFECTIVE DATE:** This Ordinance shall be effective on the 30th day following passage.

**Commissioner Garcia, seconded by Commissioner Steele, moved approval of the proposed ordinance amendment (Communication No. 315201), as amended by substitution. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
 COMMUNICATION NO. 315201**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Beavers, Butler, Fritchey, Garcia, Murphy, Reyes, Silvestri, Steele, Suffredin and Tobolski (12)

Nays: Commissioners Collins, Gorman, Goslin, and Schneider (4)

Absent: Commissioner Gainer (1)

**The motion carried and the substitute amendment to the Recorder of Deeds Document Storage Fee (Communication No. 315201) was approved and adopted, as amended.**

315202 **INTERNET DOCUMENT COPY FEE (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and William Beavers, Jerry Butler, Jesus G. Garcia, Joan Patricia Murphy Edwin Reyes, Peter N. Silvestri and Deborah Sims, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**INTERNET DOCUMENT COPY FEE**

**WHEREAS**, pursuant to Illinois Statute 55 ILCS 5/3-5018 and 55 ILCS 5/5-1106.1, the Recorder of Deeds (“Recorder”) is authorized to charge a fee for electronic copies of recorded documents obtained from the Recorder’s Internet website; and

**WHEREAS**, in 2004, the Cook County Board of Commissioners adopted the Recorder Internet Document Copy Fee Ordinance, Chapter 2, Article IV, Division 3, Subdivision 11, Section. 2-216 of the County Code, and set the fee at \$.50 for an Internet copy; and

**WHEREAS**, in 2008, the Cook County Board of Commissioners amended the Internet Document Copy Fee and set the fee at \$1.50 for an Internet copy; and

**WHEREAS**, pursuant to calculations performed by the Industrial Engineers regarding the recording process, the cost analysis indicates that the \$1.50 does not cover the Recorder’s costs.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule.**

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)

<b>CHAPTER 2, ADMINISTRATION</b>		
2-216(a)	Electronic copies of documents from Recorder's website, per document	<del>1.50</del> <u>2.50</u>

**EFFECTIVE DATE:** This Ordinance shall be effective on the 30th day following passage.

**\*Referred to the Committee on Finance on 11/01/11.**

**Commissioner Garcia, seconded by Commissioner Reyes, moved approval of the proposed ordinance amendment (Communication No. 315202). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315202**

**Yeas:** Chairman Daley, Vice Chairman Sims, Commissioners Beavers, Butler, Collins, Fritchey, Gainer, Garcia, Murphy, Reyes, Silvestri, Steele, Suffredin, and Tobolski (14)

**Nays:** Commissioners Gorman, Goslin, and Schneider (3)

**The motion carried and the amendment to the Recorder of Deeds Internet Document Copy Fee (Communication No. 315202) was approved and adopted.**

315203 **PARKING GARAGE TAX AMENDMENT (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, John P. Daley and Jesus G. Garcia, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**PARKING GARAGE TAX AMENDMENT**

**WHEREAS,** the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS,** pursuant to the County's home rule powers, the Cook County Board of Commissioners adopted an Ordinance to provide for a Parking Garage and Operations Tax on November 21, 2000; and

**WHEREAS,** certain parking fees or charges should be revised in the interests of a fair and equitable implementation of said Ordinance.

**NOW THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74, Article XIII, Section 512(c) of the Cook County Code of Ordinances is hereby amended as follows:

**Sec. 74-512. - Tax imposed.**

(a) A tax is imposed upon the use and privilege of parking a motor vehicle in or upon any parking lot or garage in the County. The tax shall be collected by operators and valet parking operators, as described in this article, from any person who seeks the privilege of occupying space in or upon any parking lot or garage.

(b) Valet Parking Operators are required to collect and remit the tax imposed by this article, for each motor vehicle parked at a Parking Lot or Garage, as described in this article; however the valet parking operator is not required to collect or remit the tax if the Valet Parking Operator pays the tax to the Operator, who shall remit the tax to the Department.

(c) Tax rates.

Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	<del>\$3.00</del> <u>\$2.00</u> or less	\$ 0.00
24 hours or less	<del>\$3.01</del> <u>\$2.01</u> to \$4.99	\$ 0.50
24 hours or less	\$5.00 to \$11.99	\$ 0.75
24 hours or less	\$12.00 or more	\$ 1.00
Weekly	<del>\$15.00</del> <u>\$10.00</u> or less	\$ 0.00
Weekly	<del>\$15.01</del> <u>\$10.01</u> to \$24.99	\$ 2.50
Weekly	\$25.00 to \$59.99	\$ 3.75
Weekly	\$60.00 or more	\$ 5.00
Monthly	<del>\$60.00</del> <u>\$40.00</u> or less	\$ 0.00
Monthly	<del>\$60.01</del> <u>\$40.01</u> to \$99.99	\$10.00
Monthly	\$100.00 to \$239.99	\$15.00
Monthly	\$240.00 or more	\$20.00

**EFFECTIVE DATE:** This Amendment shall be effective on the 30th day following passage.

**\*Referred to the Committee on Finance on 11/01/11.**

Commissioner Suffredin, seconded by Commissioner Murphy, moved to accept a substitute ordinance amendment to Communication No. 315203. The motion carried, and Communication No. 315203 was amended by substitution, as follows:

**PARKING GARAGE TAX AMENDMENT (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Larry Suffredin, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

AN AMENDMENT TO COMMUNICATION NO. 315203  
PROPOSED ORDINANCE AMENDMENT TO THE PARKING GARAGE TAX

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to the County's home rule powers, the Cook County Board of Commissioners adopted an Ordinance to provide for a Parking Garage and Operations Tax on November 21, 2000; and

**WHEREAS**, certain parking fees or charges should be revised in the interests of a fair and equitable implementation of said Ordinance.

**NOW THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74, Article XIII, Section 512(c) of the Cook County Code of Ordinances is hereby amended as follows:

**Sec. 74-512. - Tax imposed.**

(a) A tax is imposed upon the use and privilege of parking a motor vehicle in or upon any parking lot or garage in the County. The tax shall be collected by operators and valet parking operators, as described in this article, from any person who seeks the privilege of occupying space in or upon any parking lot or garage.

(b) Valet Parking Operators are required to collect and remit the tax imposed by this article, for each motor vehicle parked at a Parking Lot or Garage, as described in this article; however the valet parking operator is not required to collect or remit the tax if the Valet Parking Operator pays the tax to the Operator, who shall remit the tax to the Department.

(c) Tax rates for parking lots or garages except for parking lots and garages in section (d).

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Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	<del>\$3.00</del> \$2.00 or less	\$ 0.00
24 hours or less	<del>\$3.01</del> \$2.01 to \$4.99	\$ 0.50
24 hours or less	\$5.00 to \$11.99	\$ 0.75
24 hours or less	\$12.00 or more	\$ 1.00
Weekly	<del>\$15.00</del> \$10.00 or less	\$ 0.00
Weekly	<del>\$15.01</del> \$10.01 to \$24.99	\$ 2.50
Weekly	\$25.00 to \$59.99	\$ 3.75
Weekly	\$60.00 or more	\$ 5.00
Monthly	<del>\$60.00</del> \$40.00 or less	\$ 0.00
Monthly	<del>\$60.01</del> \$40.01 to \$99.99	\$ 10.00
Monthly	\$100.00 to \$239.99	\$ 15.00
Monthly	\$240.00 or more	\$ 20.00

(d) Tax rates for parking lots or garages owned by municipalities with populations of 250,000 inhabitants or less.

<u>Parking Charge or Fee Time Period</u>	<u>Imposed by Operator</u>	<u>Tax Amount</u>
<u>24 hours or less</u>	<u>\$3.00 or less</u>	<u>\$ 0.00</u>
<u>24 hours or less</u>	<u>\$3.01 or \$4.99</u>	<u>\$ 0.50</u>
<u>24 hours or less</u>	<u>\$5.00 to \$11.99</u>	<u>\$ 0.75</u>
<u>24 hours or less</u>	<u>\$12.00 or more</u>	<u>\$ 1.00</u>
<u>Weekly</u>	<u>\$15.00 or less</u>	<u>\$ 0.00</u>
<u>Weekly</u>	<u>\$15.01 to \$24.99</u>	<u>\$ 2.50</u>
<u>Weekly</u>	<u>\$25.00 to \$59.99</u>	<u>\$ 3.75</u>
<u>Weekly</u>	<u>\$60.00 or more</u>	<u>\$ 5.00</u>
<u>Monthly</u>	<u>\$60.00 or less</u>	<u>\$ 0.00</u>
<u>Monthly</u>	<u>\$60.01 to \$99.99</u>	<u>\$ 10.00</u>
<u>Monthly</u>	<u>\$100.00 to \$239.99</u>	<u>\$ 15.00</u>
<u>Monthly</u>	<u>\$240.00 or more</u>	<u>\$ 20.00</u>

**EFFECTIVE DATE:** This Amendment shall be effective on the 30th day following passage.

**Commissioner Suffredin, seconded by Commissioner Murphy, moved approval of the proposed ordinance amendment (Communication No. 315203), as amended by substitution. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315203**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Gainer, Garcia, Murphy, Reyes, Steele, Suffredin and Tobolski (10)

Nays: Commissioners Beavers, Collins, Fritchey, Gorman, Goslin, Schneider and Silvestri (7)

The motion carried, and the proposed ordinance amendment to the Cook County Parking Garage and Operations Tax, (Communication No. 315203) as amended, was approved and adopted.

315204 AN AMENDMENT TO CHAPTER 74, ARTICLE IX, SECTION 74-352 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, John P. Daley, Jesus G. Garcia and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**ALCOHOL BEVERAGE TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74, Article IX, Section 74-352 of the Cook County Code is hereby amended as follows:

**Sec. 74-352. - Tax imposed.**

(a) A tax is hereby imposed on the retail sale in the County of all alcoholic beverages. Such tax is to be paid by the purchaser, and nothing in this article shall be construed to impose a tax upon the occupation of retail or wholesale alcoholic beverage dealers. This tax shall be levied according to the following schedule:

(1) Alcoholic beverages other than beer, containing 14 percent or less alcohol by volume, a tax at the rate of ~~\$0.16~~\$0.24 per gallon or the pro rata portion thereof.

(2) Alcoholic beverages containing more than 14 percent and less than 20 percent alcohol by volume, a tax at the rate of ~~\$0.30~~\$0.45 per gallon or the pro rata portion thereof.

(3) Alcoholic beverages containing 20 percent or more alcohol by volume, a tax at the rate of ~~\$2.00~~\$2.50 per gallon or the pro rata portion thereof.

(4) Beer, a tax at the rate of ~~\$0.06~~\$0.09 per gallon or the pro rata portion thereof.

(b) The ultimate incidence of and liability for payment of the tax levied in this article is to be borne by the consumer of the alcoholic beverages.

(c) It shall be deemed a violation of this article for a retail alcoholic beverage dealer to fail to include the tax imposed in this article in the sale price of the alcoholic beverage or to otherwise absorb such tax. The tax levied in this article shall be in addition to any and all other taxes.

(d) Except as provisions are made in this article for the collection of the tax levied in this article upon the sale of alcoholic beverages in the possession of retail dealers of alcoholic beverages on the effective date of the ordinance from which this article is derived, the tax levied in this article shall be collected by each wholesale dealer of alcoholic beverages who sells alcoholic beverages to a retail dealer of alcoholic beverages doing business in the County.

(e) Any wholesale alcoholic beverage dealer who shall pay the tax levied by this article to the Department shall collect the tax from any retail alcoholic beverage dealer to whom the sale of the alcoholic beverages is made, and any retail alcoholic beverage dealer shall in turn then collect the tax from the purchaser of the alcoholic beverages. The tax shall be paid to the person required to collect it as trustee for and on account of the County.

**EFFECTIVE DATE:** This Ordinance Amendment shall take effect on the 30<sup>th</sup> day following passage.

**\*Referred to the Committee on Finance on 11/01/11.**

**Commissioner Garcia, seconded by Commissioner Steele, moved approval of the proposed ordinance amendment (Communication No. 315204). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315204**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Steele, and Tobolski (12)

Nays: Commissioners Beavers, Collins, Fritchey, Gainer, and Suffredin, (5)

**The motion carried and proposed amendment to the Alcohol Beverage Tax (Communication No. 315204) was approved and adopted.**

**ROLL CALL ON MOTION TO RECONSIDER**

**Having voted on the prevailing side, Commissioner Garcia, seconded by Commissioner Steele, moved to reconsider the vote by which the amendment to the Alcohol Beverage Tax (Communication No. 315204) was approved. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO RECONSIDER  
COMMUNICATION NO. 315204**

Yeas: Commissioners Beavers, Collins, Fritchey, Gainer, and Suffredin, (5)

Nays: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Steele, and Tobolski (12)

**The motion to reconsider failed, and the vote by which the proposed amendment to the Alcohol Beverage Tax (Communication No. 315204) was approved is hereby reaffirmed.**

315205

**TOBACCO TAX ORDINANCE AMENDMENT (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jesus G. Garcia County Commissioner.

PROPOSED ORDINANCE AMENDMENT

**TOBACCO TAX AMEMDMENT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XI Tobacco Tax, Sections 74-431 to 74-433 and 74-435 is hereby amended as follows:

**Sec. 74-431. - Definitions.**

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

*Altered or mutilated tax stamp* means any tax stamp on which the identity information is illegible or incomplete.

*Chewing tobacco* means any leaf tobacco that is not intended to be smoked.

*Cigar* means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco which is a cigarette as defined in this article).

*Cigarette* means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether such tobacco is flavored, adulterated or mixed with any other ingredient, or not, and the wrapper of which is made of paper or any other substance or material except tobacco.

*Concealment* means cigarettes, other tobacco products, or cigarette tax stamps, in violation of this article, deliberately hidden to prevent or evade discovery and offered for sale by or in the possession of a wholesale or retail tobacco dealer.

*Conspicuous* means easily or clearly visible.

*Counterfeit cigarettes* means any cigarette or pack of cigarettes bearing a false, forged, artificial or imitation manufacturing label.

*County* means the County of Cook.

*Department* means the Department of Revenue within the Bureau of Finance of the County of Cook.

*Director* means the Director of the Department of Revenue.

*Improperly stamped pack* means, any packs of cigarettes on which is affixed an altered/mutilated; used or reused; or counterfeit tax stamp.

*Large cigar* means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco and weighing more than three pounds per thousand.

*Little cigar* means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco and not weighing more than three pound per thousand.

*Loose cigarettes* means cigarettes that are not contained within a sealed container, pack, or package as provided by the manufacturer or as a result of any wholesale or retail tobacco dealer or person breaking or otherwise opening any cigarette package to sell or distribute individual cigarettes or a number of unpackaged cigarettes that is smaller than the minimum package size of 20 cigarettes or any quantity of cigarettes that is smaller than the smallest package distributed by the manufacturer for individual consumer use.

*Loose little cigars* mean little cigars that are not contained within a sealed container, pack or package as provided by the manufacturer.

*Manufacturer* means any person, other than a Retail Cigarette Manufacturer, who makes or fabricates cigarettes and/or tobacco products and sells them.

*Other Tobacco products* includes, but is not limited to, smokeless tobacco, smoking tobacco, large cigars and little cigars, but does not include cigarettes.

*Package* means the original packet, box, tin or container whatsoever used to contain and to convey cigarettes tobacco products to the consumer.

*Person* means any individual, corporation, Limited Liability Corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Pipe tobacco* includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

*Premises* means, but is not limited to, buildings, vehicles or any place where cigarette inventory is possessed, stored or sold.

*Purchaser* means consumer or end-user.

*Retail cigarette manufacturer* means any retail tobacco dealer who makes, fabricates, or produces cigarettes or provides to consumers tobacco and other material and equipment for the production of cigarettes in Cook County.

*Retail tobacco dealer* means any person who engages in the business of selling cigarettes or other tobacco products in the County of Cook to a purchaser for use or

consumption and not for resale in any form.

*Roll-your-own tobacco* includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes or cigars or for use as wrappers of cigars or cigarettes.

*Sale, resale, selling* means any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

*Smokeless tobacco* includes any snuff, snus, chewing tobacco, or other tobacco products not intended to be smoked.

*Smoking tobacco* includes granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette.

*Snuff* means any finely cut, ground or powered tobacco that is not intended to be smoked.

*Stamp* means paper or other material with an imprint or decalomania device thereon, of such size, design, color and denominations as may be prescribed and procured by the Department which, when affixed to a package of cigarettes, shall evidence payment of the tax thereon, as provided by this article.

*Tobacco products* includes, but is not limited to, any cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweeping of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both chewing and smoking; but does not include cigarettes or tobacco purchased for the manufacture of cigarettes by cigarette wholesale tobacco dealers and manufacturers as defined in this article.

*Unit* means any division of quantity that may be used as a standard to measure the quantity sold based on length, width, weight such as pounds, ounces and/or grams or volume or some other similar unit of measure, including but not limited to per item.

*Unstamped pack* means any pack of cigarettes on which a Cook County tax stamp is not affixed.

*Use* means any exercise of a right or power, actual or constructive, and shall include but is not limited to the receipt, storage, or any keeping or retention for any length of time, but shall not include possession for sale by a retail or wholesale tobacco dealer as defined in this article.

*Used or reused tax stamp* means, any tax stamp previously affixed to a tobacco product, removed and subsequently affixed to any tobacco product purchased, offered for sale or sold by any person, wholesale or retail tobacco dealer; or any removed tax stamp purchased, offered for sale, sold by, or in the possession of a wholesale or retail tobacco dealer.

*Wholesale tobacco dealer* means any person who engages in the business of selling or supplying cigarettes and/or tobacco products, who brings into the County cigarettes, to any person for resale in or outside the County of Cook. For the purposes of this article, wholesale tobacco dealers also include cigarette distributors who are licensed with the State of Illinois (35 ILCS 143/10-20).

**Sec. 74-432. - Registration of wholesale, and retail tobacco dealers and retail cigarette manufacturer.**

Wholesale tobacco dealers, and retail tobacco dealers and retail cigarette manufacturers as defined in this article, shall register with the Department in accordance with policies or procedures prescribed by the Department.

**Sec. 74-433. - Tax imposed; cigarettes, other tobacco products; collection; remittance.**

(a) *Cigarette Tax rate.* A tax at the rate of 100 mils or \$0.10 per cigarette is hereby imposed upon all cigarettes possessed for sale and upon the use of all cigarettes within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by the consumer of said cigarettes. The tax imposed hereby at the rate of 100 mils or \$0.10 per cigarette shall become in force and effect on March 1, 2006. The tax herein levied shall be in addition to any and all other taxes.

(b) *Cigarette Tax stamp purchases.* The tax imposed in this section shall be paid by purchase of tax stamps from the Department, except as otherwise provided in Subsections 74-446(a) and (b) of this article. The Department shall only sell Cook County cigarette tax stamps to cigarette distributors who are licensed with the State of Illinois. It shall be the duty of every wholesale tobacco dealer, before delivering or causing to be delivered any cigarettes to a retail tobacco dealer in the County of Cook to purchase from the Department a tax stamp for each package of cigarettes and to cancel said stamps prior to the delivery of such cigarettes to any retail tobacco dealer in the County of Cook. Said stamps shall be affixed and cancelled in the manner prescribed by rules and regulations of the Department.

(c) *Tax collection.* ~~Any wholesale tobacco dealer who shall pay the tax levied by this article to the Department shall collect the tax from any retail tobacco dealer to whom the sale of said cigarettes is made, and any retail tobacco dealer shall, in turn, and then collect the tax from the purchaser of said cigarettes. The tax shall be paid to the person required to collect it as trustee for and on account of the County of Cook.~~ Retail cigarette manufacturer rate. A tax at the rate of \$0.10 per cigarette is hereby imposed upon each cigarette produced by a retail cigarette manufacturer.

(d) Tax included in sales price. It shall be deemed a violation of this article for a retail tobacco dealer or retail cigarette manufacturer to fail to include the tax imposed in this article in the sale price of cigarettes and other tobacco products to otherwise absorb such tax. The tax levied in this article shall be in addition to any and all other taxes. Other tobacco product tax rate. A tax at the following rates is hereby imposed upon the following products:

- (1) Smoking tobacco - \$0.60 per ounce or fraction thereof
- (2) Smokeless tobacco - \$0.60 per ounce or fraction thereof
- (3) Little Cigars - \$0.05 per unit or cigar
- (4) Large Cigars - \$0.30 per unit or cigar

(e) Tax debt owed to County. The tax required in this article to be collected by any wholesale tobacco dealer, or retail tobacco dealer, or retail cigarette manufacturer pursuant to this article shall constitute a debt owed by such wholesale or retail tobacco dealer to the County. Wholesale Tobacco Dealer Tax collection. Any wholesale tobacco dealer who shall pay the tax levied by this article to the Department shall collect the tax from any retail tobacco dealer to whom the sale of said cigarettes, or other tobacco products is made, and any retail tobacco dealer shall, in turn, and then collect the tax from the purchaser of said cigarettes, smoking tobacco, smokeless tobacco, little cigars and large cigars. The tax shall be paid to the person required to collect it as trustee for and on account of the County of Cook.

(f) Retail cigarette manufacturer Tax collection. Any retail cigarette manufacturer who shall pay the tax levied by this article to the Department shall collect the tax from the purchaser.

(g) Other Tobacco Products Tax collection. It shall be the duty of every of wholesale tobacco dealer and retail cigarette manufacturer to remit tax due for Other Tobacco Product sales along with forms prescribed by the Department, on or before the 20<sup>th</sup> day of the month following the month for which the tax is due.

(h) Tax included in sales price. It shall be deemed a violation of this article for a retail tobacco dealer or retail cigarette manufacturer to fail to include the tax imposed in this article in the sale price of cigarettes and other tobacco products to otherwise absorb such tax. The tax levied in this article shall be in addition to any and all other taxes.

(i) Tax debt owed to County. The tax required in this article to be collected by any wholesale tobacco dealer, or retail tobacco dealer, or retail cigarette manufacturer pursuant to this article shall constitute a debt owed by such wholesale or retail tobacco dealer to the County.

**Sec. 74-435. - Sales, possession, use or hindrance violations and penalties.**

(a) It shall be a violation of this article to engage in the sale, possession, or use of any cigarettes and/or other tobacco products subject to any tax provided by this article upon which said tax has not been paid or the stamps affixed and cancelled as herein required, including, as described in this article:

- (1) Counterfeit cigarettes or counterfeit other tobacco products.
- (2) Counterfeit tax stamps.
- (3) Improperly stamped packs.
- (4) Unstamped packs.

(b) It shall be a violation of this article for any wholesale tobacco dealer, ~~or~~ retail tobacco dealer, or retail cigarette manufacturer to engage in any of the following:

- (1) Utilization of used or reused tax stamps by possessing or offering for sale or resale packs of cigarettes affixed with a used or reused tax stamp.
- (2) Concealment, as described in this article.
- (3) Sell or distribute loose cigarettes or little cigars.
- (4) Sell cigarettes to any person, other than to another registered Cook County wholesale tobacco dealer, unless each package bears an un-mutilated Cook County tax stamp affixed, or where the selling wholesale tobacco dealer, or its agent, delivers the unstamped cigarettes to a location outside Cook County.
- (5) Hinder or prevent an authorized Department representative from performing an inspection or audit.

(c) Prima facie presumption. The sale, resale or possession by a wholesale or retail tobacco dealer of altered/mutilated, counterfeit, used or reused tax stamps; or packs of counterfeit, improperly stamped, unstamped cigarettes or loose cigarettes shall give rise to the prima facie presumption that the wholesale or retail tobacco dealer is in violation of the provisions of this article.

(d) Cigarette pack, tax stamp, loose cigarettes and little cigars, other tobacco products and hindrance violation penalties.

**FINANCE COMMITTEE REPORT**  
**PUBLIC HEARING**  
**NOVEMBER 14, 2011**  
**PAGE 49**

Violation Type	Penalties Amount
Concealment	
1st Offense	\$2,000.00
2nd and each subsequent offense, an additional	4,000.00
Counterfeit packs of cigarettes	
40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	4,000.00
Counterfeit tax stamps	
40 or less	2,000.00
41 or more, per stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
Improperly stamped packs	
40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	2000.00
Loose cigarettes and little cigars	
40 or less	1,000.00
40 or more, per cigarette	25.00
2nd and each subsequent offense, an additional	2,000.00
Other tobacco products	
1st offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00
Sales to unregistered wholesalers	
1st offense	2,000.00
2nd and each subsequent offense, an additional	4,000.00
Unstamped packs	
40 packs or less	1,000.00
41 packs or more, per pack	25.00
2nd and each subsequent offense, an additional	2,000.00
Utilization of used or reused tax stamps	

40 or less packs or stamps	2,000.00
41 or more packs or stamps, per pack or stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
Hinder inspection or audit	
1st Offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00

**EFFECTIVE DATE:** This Amendment shall be effective on the 30th day following passage.

\*Referred to the Committee on Finance on 11/01/11.

Commissioner Garcia, seconded by Commissioner Reyes, moved to accept a substitute ordinance amendment to Communication No. 315205. The motion carried, and Communication No. 315205 was amended by substitution, as follows:

**TOBACCO TAX ORDINANCE AMENDMENT (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, John P. Daley, Jesus G. Garcia and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**TOBACCO TAX AMEMDMENT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XI Tobacco Tax, Sections 74-431 to 74-433 and 74-435 is hereby amended as follows:

**Sec. 74-431. - Definitions.**

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

*Altered or mutilated tax stamp* means any tax stamp on which the identity information is illegible or incomplete.

*Chewing tobacco* means any leaf tobacco that is not intended to be smoked.

*Cigar* means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco which is a cigarette as defined in this article).

*Cigarette* means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether such tobacco is flavored, adulterated or mixed with any other ingredient, or not, and the wrapper of which is made of paper or any other substance or material except tobacco.

*Concealment* means cigarettes, other tobacco products, or cigarette tax stamps, in violation of this article, deliberately hidden to prevent or evade discovery and offered for sale by or in the possession of a wholesale or retail tobacco dealer.

*Conspicuous* means easily or clearly visible.

*Counterfeit cigarettes* means any cigarette or pack of cigarettes bearing a false, forged, artificial or imitation manufacturing label.

*County* means the County of Cook.

*Department* means the Department of Revenue within the Bureau of Finance of the County of Cook.

*Director* means the Director of the Department of Revenue.

*Improperly stamped pack* means, any packs of cigarettes on which is affixed an altered/mutilated; used or reused; or counterfeit tax stamp.

*Large cigar* means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco and weighing more than three pounds per thousand.

*Little cigar* means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco and not weighing more than three pound per thousand.

*Loose cigarettes* means cigarettes that are not contained within a sealed container, pack, or package as provided by the manufacturer or as a result of any wholesale or retail tobacco dealer or person breaking or otherwise opening any cigarette package to sell or distribute individual cigarettes or a number of unpackaged cigarettes that is smaller than the minimum package size of 20 cigarettes or any quantity of cigarettes that is smaller than the smallest package distributed by the manufacturer for individual consumer use.

*Loose little cigars* mean little cigars that are not contained within a sealed container, pack or package as provided by the manufacturer.

*Manufacturer* means any person, other than a Retail Cigarette Manufacturer, who makes or fabricates cigarettes and/or tobacco products and sells them.

*Other Tobacco products* includes, but is not limited to, smokeless tobacco, smoking tobacco, large cigars and little cigars, but does not include cigarettes.

*Package* means the original packet, box, tin or container whatsoever used to contain and to convey cigarettes tobacco products to the consumer.

*Person* means any individual, corporation, Limited Liability Corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Pipe tobacco* includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

*Premises* means, but is not limited to, buildings, vehicles or any place where cigarette inventory is possessed, stored or sold.

*Purchaser* means consumer or end-user.

*Retail cigarette manufacturer* means any retail tobacco dealer who makes, fabricates, or produces cigarettes or provides to consumers tobacco and other material and equipment for the production of cigarettes in Cook County.

*Retail tobacco dealer* means any person who engages in the business of selling cigarettes or other tobacco products in the County of Cook to a purchaser for use or consumption and not for resale in any form.

*Roll-your-own tobacco* includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes or cigars or for use as wrappers of cigars or cigarettes,

*Sale, resale, selling* means any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

*Smokeless tobacco* includes any snuff, snus, chewing tobacco, or other tobacco products not intended to be smoked.

*Smoking tobacco* includes granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette.

*Snuff* means any finely cut, ground or powered tobacco that is not intended to be smoked.

*Stamp* means paper or other material with an imprint or decalomania device thereon, of such size, design, color and denominations as may be prescribed and procured

by the Department which, when affixed to a package of cigarettes, shall evidence payment of the tax thereon, as provided by this article.

*Tobacco products* includes, but is not limited to, any cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweeping of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both chewing and smoking; but does not include cigarettes or tobacco purchased for the manufacture of cigarettes by cigarette wholesale tobacco dealers and manufacturers as defined in this article.

*Unit* means any division of quantity that may be used as a standard to measure the quantity sold based on length, width, weight such as pounds, ounces and/or grams or volume or some other similar unit of measure, including but not limited to per item.

*Unstamped pack* means any pack of cigarettes on which a Cook County tax stamp is not affixed.

*Use* means any exercise of a right or power, actual or constructive, and shall include but is not limited to the receipt, storage, or any keeping or retention for any length of time, but shall not include possession for sale by a retail or wholesale tobacco dealer as defined in this article.

*Used or reused tax stamp* means, any tax stamp previously affixed to a tobacco product, removed and subsequently affixed to any tobacco product purchased, offered for sale or sold by any person, wholesale or retail tobacco dealer; or any removed tax stamp purchased, offered for sale, sold by, or in the possession of a wholesale or retail tobacco dealer.

*Wholesale tobacco dealer* means any person who engages in the business of selling or supplying cigarettes and/or tobacco products, who brings into the County cigarettes, to any person for resale in or outside the County of Cook. For the purposes of this article, wholesale tobacco dealers also include cigarette distributors who are licensed with the State of Illinois (35 ILCS 143/10-20).

**Sec. 74-432. - Registration of wholesale, and retail tobacco dealers and retail cigarette manufacturer.**

Wholesale tobacco dealers, and retail tobacco dealers and retail cigarette manufacturers as defined in this article, shall register with the Department in accordance with policies or procedures prescribed by the Department.

**Sec. 74-433. - Tax imposed; cigarettes, other tobacco products; collection; remittance.**

(a) Cigarette Tax rate. A tax at the rate of 100 mils or \$0.10 per cigarette is hereby imposed upon all cigarettes possessed for sale and upon the use of all cigarettes within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by the consumer of said cigarettes. The tax imposed hereby at the rate of 100 mils or \$0.10 per cigarette shall become in force and effect on March 1, 2006. The tax herein levied shall be in addition to any and all other taxes.

(b) Cigarette Tax stamp purchases. The tax imposed in this section shall be paid by purchase of tax stamps from the Department, except as otherwise provided in Subsections 74-446(a) and (b) of this article. The Department shall only sell Cook County cigarette tax stamps to cigarette distributors who are licensed with the State of Illinois. It shall be the duty of every wholesale tobacco dealer, before delivering or causing to be delivered any cigarettes to a retail tobacco dealer in the County of Cook to purchase from the Department a tax stamp for each package of cigarettes and to cancel said stamps prior to the delivery of such cigarettes to any retail tobacco dealer in the County of Cook. Said stamps shall be affixed and cancelled in the manner prescribed by rules and regulations of the Department.

~~(c) Tax collection. Any wholesale tobacco dealer who shall pay the tax levied by this article to the Department shall collect the tax from any retail tobacco dealer to whom the sale of said cigarettes is made, and any retail tobacco dealer shall, in turn, and then collect the tax from the purchaser of said cigarettes. The tax shall be paid to the person required to collect it as trustee for and on account of the County of Cook.~~ Retail cigarette manufacturer rate. A tax at the rate of \$0.10 per cigarette is hereby imposed upon each cigarette produced by a retail cigarette manufacturer.

~~(d) Tax included in sales price. It shall be deemed a violation of this article for a retail tobacco dealer or retail cigarette manufacturer to fail to include the tax imposed in this article in the sale price of cigarettes and other tobacco products to otherwise absorb such tax. The tax levied in this article shall be in addition to any and all other taxes.~~ Other tobacco product tax rate.

(1) A tax at the following rates is hereby imposed upon the following products through December 31, 2012:

- (a) Smoking tobacco - \$0.30 per ounce or fraction thereof
- (b) Smokeless tobacco - \$0.30 per ounce or fraction thereof
- (c) Little Cigars - \$0.05 per unit or cigar
- (d) Large Cigars - \$0.25 per unit or cigar

(2) A tax at the following rates is hereby imposed upon the following products effective January 1, 2013:

- (a) Smoking tobacco - \$0.60 per ounce or fraction thereof
- (b) Smokeless tobacco - \$0.60 per ounce or fraction thereof
- (c) Little Cigars - \$0.05 per unit or cigar
- (d) Large Cigars - \$0.30 per unit or cigar

(e) *Tax debt owed to County.* The tax required in this article to be collected by any wholesale tobacco dealer, or retail tobacco dealer, or retail cigarette manufacturer pursuant to this article shall constitute a debt owed by such wholesale or retail tobacco dealer to the County. *Wholesale Tobacco Dealer Tax collection.* Any wholesale tobacco dealer who shall pay the tax levied by this article to the Department shall collect the tax from any retail tobacco dealer to whom the sale of said cigarettes, or other tobacco products is made, and any retail tobacco dealer shall, in turn, and then collect the tax from the purchaser of said cigarettes, smoking tobacco, smokeless tobacco, little cigars and large cigars. The tax shall be paid to the person required to collect it as trustee for and on account of the County of Cook.

(f) *Retail cigarette manufacturer Tax collection.* Any retail cigarette manufacturer who shall pay the tax levied by this article to the Department shall collect the tax from the purchaser.

(g) *Other Tobacco Products Tax collection.* It shall be the duty of every of wholesale tobacco dealer and retail cigarette manufacturer to remit tax due for Other Tobacco Product sales along with forms prescribed by the Department, on or before the 20<sup>th</sup> day of the month following the month for which the tax is due.

(h) *Tax included in sales price.* It shall be deemed a violation of this article for a retail tobacco dealer or retail cigarette manufacturer to fail to include the tax imposed in this article in the sale price of cigarettes and other tobacco products to otherwise absorb such tax. The tax levied in this article shall be in addition to any and all other taxes.

(i) *Tax debt owed to County.* The tax required in this article to be collected by any wholesale tobacco dealer, or retail tobacco dealer, or retail cigarette manufacturer pursuant to this article shall constitute a debt owed by such wholesale or retail tobacco dealer to the County. The tax shall be paid to the person required to collect it as trustee for and on account of the County of Cook.

**Sec. 74-435. - Sales, possession, use or hindrance violations and penalties.**

(a) It shall be a violation of this article to engage in the sale, possession, or use of any cigarettes and/or other tobacco products subject to any tax provided by this article upon which said tax has not been paid or the stamps affixed and cancelled as herein required, including, as described in this article:

- (1) Counterfeit cigarettes or counterfeit other tobacco products.
- (2) Counterfeit tax stamps.
- (3) Improperly stamped packs.
- (4) Unstamped packs.

(b) It shall be a violation of this article for any wholesale tobacco dealer, ~~or~~ retail tobacco dealer, or retail cigarette manufacturer to engage in any of the following:

- (1) Utilization of used or reused tax stamps by possessing or offering for sale or resale packs of cigarettes affixed with a used or reused tax stamp.
- (2) Concealment, as described in this article.
- (3) Sell or distribute loose cigarettes or little cigars.

(4) Sell cigarettes to any person, other than to another registered Cook County wholesale tobacco dealer, unless each package bears an un-mutilated Cook County tax stamp affixed, or where the selling wholesale tobacco dealer, or its agent, delivers the unstamped cigarettes to a location outside Cook County.

(5) Hinder or prevent an authorized Department representative from performing an inspection or audit.

(c) Prima facie presumption. The sale, resale or possession by a wholesale or retail tobacco dealer of altered/mutilated, counterfeit, used or reused tax stamps; or packs of counterfeit, improperly stamped, unstamped cigarettes or loose cigarettes shall give rise to the prima facie presumption that the wholesale or retail tobacco dealer is in violation of the provisions of this article.

(d) Cigarette pack, tax stamp, loose cigarettes and little cigars, other tobacco products and hindrance violation penalties.

Violation Type	Penalties Amount
Concealment	
1st Offense	\$2,000.00
2nd and each subsequent offense, an additional	4,000.00
Counterfeit packs of cigarettes	

40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	4,000.00
<b>Counterfeit tax stamps</b>	
40 or less	2,000.00
41 or more, per stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
<b>Improperly stamped packs</b>	
40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	2000.00
<b>Loose cigarettes and little cigars</b>	
40 or less	1,000.00
40 or more, per cigarette	25.00
2nd and each subsequent offense, an additional	2,000.00
<b>Other tobacco products</b>	
<u>1st offense</u>	<u>1,000.00</u>
<u>2nd and each subsequent offense, an additional</u>	<u>2,000.00</u>
<b>Sales to unregistered wholesalers</b>	
1st offense	2,000.00
2nd and each subsequent offense, an additional	4,000.00
<b>Unstamped packs</b>	
40 packs or less	1,000.00
41 packs or more, per pack	25.00
2nd and each subsequent offense, an additional	2,000.00
<b>Utilization of used or reused tax stamps</b>	
40 or less packs or stamps	2,000.00
41 or more packs or stamps, per pack or stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
<b>Hinder inspection or audit</b>	
1st Offense	1,000.00

2nd and each subsequent offense, an additional	2,000.00
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**EFFECTIVE DATE:** This Amendment shall be effective on the 30th day following passage.

**Commissioner Garcia, seconded by Commissioner Reyes, moved approval of the proposed ordinance amendment (Communication No. 315205), as amended by substitution. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315205**

**Yeas:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Murphy, Reyes, Steele, and Suffredin (10)

**Nays:** Commissioners Beavers, Collins, Gorman, Goslin, Schneider, Silvestri and Tobolski (7)

**The motion carried, and the proposed ordinance amendment to the Cook County Tobacco Tax Ordinance, (Communication No. 315205) as amended, was approved and adopted.**

**Having voted on the prevailing side, Commissioner Garcia, seconded by Commissioner Reyes, moved to reconsider the vote by which the amendment to the Tobacco Tax Ordinance (Communication No. 315205) was approved. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO RECONSIDER  
COMMUNICATION NO. 315205**

**Yeas:** Commissioners Beavers, Collins, Gorman, Goslin, Schneider, Silvestri and Tobolski (7)

**Nays:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Murphy, Reyes, Steele, and Suffredin (10)

**The motion to reconsider failed, and the vote by which the proposed amendment to the Tobacco Tax Ordinance (Communication No. 315205) was approved is hereby reaffirmed.**

315206 **WHEEL TAX ORDINANCE AMENDMENT (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and John P. Daley and Jesus G. Garcia, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**WHEEL TAX AMENDMENT**

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to the County's home rule powers, the Cook County Board of Commissioners on December 30, 1971 adopted an Ordinance to provide for taxes, fees, and licenses associated with the sale and use of various motor vehicles in certain parts of Cook County; and

**WHEREAS**, the fees associated with the Wheel Tax were last revised by the County Board of Commissioners on December 21, 2005; and

**WHEREAS**, the fees associated with obtaining, transferring, or replacing vehicle licenses do not sufficiently address the cost of providing services associated with public health and safety in various parts of Cook County; and

**WHEREAS**, the fees associated with various motor vehicles are insufficient to address the cost of maintaining and improving relevant highways, roads, and infrastructure and to further provide public health and safety services to various parts of Cook County.

**NOW THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XIV, Sections 74-563 and 74-564 of the Cook County Code of Ordinances are hereby amended as follows:

**ARTICLE XIV. WHEEL TAX**

**Sec. 74-563. - Transfer.**

(a) Whenever the owner of any vehicle licensed under this article, before the expiration of such license, sells or otherwise disposes of such vehicle, and thereafter acquires another vehicle and desires to transfer the vehicle license originally issued for the vehicle disposed of to such newly-acquired vehicle, such owner shall immediately make application to the Department for a transfer of said vehicle license to the newly-purchased vehicle. Said application shall state the name and address of the licensee and the name and address of the purchaser of said vehicle, together with a description of the newly-purchased vehicle. Upon surrender of the original license and transparent sticker or vehicle tag in case a metal tag has been issued, or upon proof that the transparent sticker or plate has been destroyed, the Department shall transfer said license to apply to the new-acquired vehicle upon payment of the proper license fee of ~~\$10.00~~ \$20.00, provided, that the Department shall not transfer any license where the transparent sticker emblem issued under said license is defaced or mutilated so as to prevent identification of the emblem. It shall be unlawful for any person to displace a transparent sticker emblem on any vehicle other than the vehicle for which the emblem was originally issued, without first transferring the license to such other vehicle, as provided herein.

(b) The owner of any vehicle licensed under this article shall promptly notify the Department whenever the transparent sticker emblem issued under such license is lost, stolen or destroyed. A duplicate transparent sticker may be purchased from the Department for ~~\$20.00~~ \$40.00.

**Sec. 74-564. - Dealer license.**

(a) If any manufacturer or dealer of any of the motor vehicles mentioned in this article shall make application to the Department and shall state that the manufacturer or dealer is a manufacturer operating a plant for the construction of motor vehicles within the unincorporated area of Cook County, or a dealer in such motor vehicles with a salesroom located within the unincorporated area of Cook County, and desires a license emblem to be used by the dealer or manufacturer, the Department shall upon payment by such applicant of the fee hereinafter set for to such manufacturer or dealer a distinctive license plate or transparent sticker license emblem with a number thereon. Said emblem must be attached to or borne by any such motor vehicles while being operated on the streets of the unincorporated area of Cook County. When any such vehicle is in use and carries such license plate or transparent sticker license emblem, no other license fee shall be collected under the provision of this article.

(b) The annual license fee to be paid for each such license plate or transparent sticker license emblem shall be ~~\$20.00~~ \$40.00, and said fee shall not be prorated.

(c) Every manufacturer or dealer applying for said plates or transparent sticker license emblem must submit to the Department satisfactory proof of the person's status as such manufacturer or dealer and satisfactory proof of the number of sets of dealer's plates issued to the application by the State of Illinois; provided that no license plates or transparent sticker license emblems shall be issued under this article unless the applicant is in possession of an Illinois dealer's license for the current year. The total number of license plates and transparent sticker license emblems that may be obtained under this article shall not exceed the number of sets of dealer's license plates issued to the applicant by the State.

(d) No such license, plate or emblem shall be used on any motor vehicle rented by such manufacturer or dealer, or on any vehicle used to transport persons or property for hire, or on any vehicle unless such vehicle is operated under a dealer's license issued by the State of Illinois and to which both State license plates are attached.

**BE IT FURTHER ORDAINED** by the Cook County Board of Commissioners, that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule.**

The annual license fees provided for or required by the below listed sections shall be as shown below:

**FINANCE COMMITTEE REPORT  
PUBLIC HEARING  
NOVEMBER 14, 2011  
PAGE 61**

Class		Annual License Fee (in dollars)
	<b>MOTOR VEHICLES</b>	
MB	Motor bicycles or motor tricycles	<del>25.00</del> <u>50.00</u>
XSV	Smaller passenger vehicles with a curb weight under 4,500 pounds	<del>40.00</del> <u>80.00</u>
XLV	Larger passenger vehicles with a curb weight of at least 4,500 pounds and hearses, ambulances, and privately owned, noncommercial motorized vacation camper or other motorized recreation vehicle	<del>50.00</del> <u>100.00</u>
NF	Vehicles owned by the United States Government, State of Illinois or units of local government or vehicles owned by nonprofit organizations or buses owned and operated by churches or vehicles owned by persons with a disability, disabled veterans and persons over the age of 65. (See Sec. 74-554 Exemptions including limitations).	No Fee
SB	Privately owned school buses	<del>15.00</del> <u>30.00</u>
	<b>RECREATIONAL TRAILERS</b>	
RT	All noncommercial recreational trailers, including boat trailers, snowmobile trailers, horse trailers, camping trailers and other noncommercial, nonmotorized recreational trailers	<del>30.00</del> <u>60.00</u>
	<b>COMMERCIAL TRAILERS</b>	
CT	All commercial trailers regardless of gross weight in pounds of vehicle plus its maximum load	<del>75.00</del> <u>150.00</u>
	<b>MOTOR TRUCKS, TRACTOR-SEMITRAILER UNITS AND MOTOR BUSES</b>	
	(Gross weight in pounds of vehicle plus its maximum load)	
A	Up to 10,000 lbs.	<del>50.00</del> <u>100.00</u>
B	10,001 to 20,000 lbs.	<del>75.00</del> <u>150.00</u>
C	20,001 to 36,000 lbs. (2 or more axles)	<del>90.00</del> <u>180.00</u>
D	36,001 to 50,000 lbs. (3 or more axles)	<del>100.00</del> <u>200.00</u>
E	50,001 to 75,000 lbs. (4 or more axles)	<del>115.00</del> <u>230.00</u>

**BE IT FURTHER ORDAINED** by the Cook County Board of Commissioners, that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule.**

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 2, ADMINISTRATION</b>		
74-565(b)	Annual license fee for dealer license plate or transparent sticker license emblem, each plate or emblem	<del>20.00</del> 40.00

**EFFECTIVE DATE:** This Amendment shall take effect July 1, 2012.

\*Referred to the Committee on Finance on 11/01/11.

**Commissioner Suffredin, seconded by commissioner Murphy, moved to defer consideration of the proposed amendment to the Cook County Wheel Tax (Communication No. 315206). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO DEFER CONSIDERATION OF  
COMMUNICATION NO. 315206**

Yeas: Commissioners Collins, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Steele, Suffredin, and Tobolski (10)

Nays: Chairman Daley, Vice Chairman Sims, Commissioners Beavers, Butler, Fritchey, Gainer, and Garcia (7)

**The motion carried and the proposed amendment to the Cook County Wheel Tax (Communication No. 315206) was deferred.**

315207 **USE TAX ORDINANCE AMENDMENT (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and John P. Daley, Jesus G. Garcia and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

USE TAX AMENDMENT

**WHEREAS**, the County of Cook is a home rule unit of local government pursuant to Article VII, section 6(a) of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to the County's home rule powers, the Cook County Board of Commissioners on May 4, 1992, adopted an Ordinance to provide a tax on the sale and use of tangible personal property that is licensed or registered with the State of Illinois; and

**WHEREAS**, the use tax associated with such tangible personal property does not sufficiently address the costs associated with roads and highways in certain parts of Cook County, and the provision of public health and safety services for all of Cook County;

**NOW THEREFORE, BE IT ORDAINED** by the Cook County Board of Commissioners that Chapter 74 Taxation, Article VII Use Tax, Section 74-272 of the Cook County Code of Ordinances be hereby amended as follows:

Sec. 74-272. - Tax imposed, tax rate; collection; purchaser; and tax collector.

(a) *Tax imposed on user.* The tax imposed by this article and the obligation to pay the same is upon the user, as described in this article.

(b) *Tax Rate.* Except as provide in Section 74-273, a tax is imposed at the rate ~~of three-quarters of one percent~~ of one percent on the selling price of tangible personal property, purchased through a sale at retail, which is titled or registered with an agency of the State of Illinois at location inside Cook County.

(c) *Collection; remittance; sales receipt.* The tax imposed by this article shall be collected from the purchaser by the tax collector as defined by Section 74-271, and remitted to the Department as provided in this article. The tax imposed by this article shall, when collected, be stated as a distinct item separate and apart from the selling price of tangible personal property; and, the tax collector when collecting the tax shall give to the purchaser a receipt for such tax in the manner and form prescribed by the Department. Such receipt shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer.

(d) *Tax paid by Purchaser.* Except as provided in Section 74-277, the purchaser shall pay the tax imposed by this article to the tax collector.

(e) *Tax Collector liable.* The tax collector shall be liable to the County for the amount of tax that it is required to collect; and, shall collect the tax from purchasers by adding the tax to the selling price of tangible personal property, when sold for use in the County, in the manner prescribed by this article and the Department. If any retailer in collecting the amount which purports to constitute use taxes measured by receipts from sales which are subject to tax under this article, collects more from the purchaser than the actual use tax liability on the transaction, the purchaser shall have a legal right to claim a refund of such amount from such retailer. However, if such amount is not refunded to the purchaser for any reason, the retailer is liable to pay such amount to the Department.

**EFFECTIVE DATE:** This Amendment shall be effective on the 30th day following passage.

**\*Referred to the Committee on Finance on 11/01/11.**

**Commissioner Garcia, seconded by Commissioner Steele, moved approval of the proposed ordinance amendment (Communication No. 315207). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315207**

**Yeas:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Gainer, Garcia, Murphy, Reyes, Steele, Suffredin, and Tobolski (10)

**Nays:** Commissioners Beavers, Collins, Gorman, Goslin, Schneider, and Silvestri (6)

**Absent:** Commissioners Fritchey (1)

**The motion carried and the proposed amendment to the Use Tax (Communication No. 315207) was approved and adopted.**

**Having voted on the prevailing side, Commissioner Garcia, seconded by Commissioner Reyes, moved to reconsider the vote by which the amendment to the Use Tax Ordinance (Communication No. 315207) was approved. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO RECONSIDER  
COMMUNICATION NO. 315207**

**Yeas:** Commissioners Beavers, Collins, Gorman, Goslin, Schneider, and Silvestri (6)

**Nays:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Gainer, Garcia, Murphy, Reyes, Steele, Suffredin, and Tobolski (10)

**Absent:** Commissioner Fritchey (1)

**The motion to reconsider failed, and the vote by which the proposed amendment to the Use Tax Ordinance (Communication No. 315207) was approved is hereby reaffirmed.**

315208

**AMUSEMENT DEVICE ORDINANCE TAX (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President and Jerry Butler, Jesus G. Garcia and Robert Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**AMUSEMENT DEVICE TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XVI, Sec. 74-585 through Sec. 74-590 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XVI. AMUSEMENT DEVICE TAX.**

**Sec. 74-585. Short title.**

This Article shall be known and may be cited as the Amusement Device Tax Ordinance. The tax herein imposed is in addition to all other taxes imposed by the County of Cook, the State of Illinois or any municipal corporation or political subdivision of any of the foregoing.

**Sec. 74-586. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*“Amusement Device”* means any machine, mechanical, electrical, electronic, or otherwise, which, upon the insertion of a coin, slug, token, card, thing of value, or similar object, or upon any other payment method, may be utilized generally as a game, entertainment, or amusement, whether or not registering a score and operated for gain or profit. If a device consists of more than one screen, display, or monitor which permits individual persons to operate the device simultaneously, each separate screen, display, or monitor shall be deemed an automatic amusement device. The term Amusement Device includes but is not limited to gambling, redemption, and coin-operated machines and devices as defined by Illinois law, including the Illinois Criminal Code, the Riverboat Gambling Act, and the Video Gaming Act, as well as such devices as pool and billiard tables, jukeboxes, video games or terminals, pinball machines, slot machines, film screening machines, simulated sports games, mechanical grab machines, electronic targets games, and all similar games and devices.

*“Department of Revenue”* or *“Department”* means the Department of Revenue in the Bureau of Finance of Cook County.

*“Director”* means the Director of the Department of Revenue.

*“Owner”* means any Person who has an ownership or leasehold interest in such an Amusement Device, or any Person who has a proprietary interest in the Amusement

Device, so as to entitle such Person to all or a portion of the proceeds from the operation, conduct or presentation of such Amusement Device.

“*Person*” means any individual, corporation, limited liability company, organization, association, joint venture, government, governmental subdivision, agency or authority, business trust, estate, trust, partnership, association and any other legal entity.

“*Prize-generating Amusement Device*” means an Amusement Device which is (a) a redemption machine as defined in Section 28-2 of the Illinois Criminal Code or utilized to directly or indirectly return to the user money, credits, tickets, property, or other things of value that do not cumulatively exceed the value paid for the corresponding use of the device; or (b) utilized as a gambling device in a manner, time, and place permitted by the State of Illinois.

*Simple Amusement Device* means an Amusement Device that returns no money, property, or thing of monetary value.

“*Sheriff*” means the Sheriff’s Office of Cook County, Illinois.

**Sec. 74-587. Tax rates.**

An annual tax in the amount of \$150.00 for Simple Amusement Devices and \$225.00 for Prize-generating Amusement Devices is imposed for each calendar year upon each Amusement Device operated for gain or profit. The calendar year in which the tax rate shall apply shall be set by the Director.

**Sec. 74-588. Tax emblem and display, additional information for device.**

(a) Before any Amusement Device is made available for use by the general public anywhere in Cook County, the Owner of the Amusement Device shall obtain a tax emblem for the Amusement Device by registering the Amusement Device, including the type of Amusement Device with the Department of Revenue and remitting the tax due to the Department, in accordance with the procedures, regulations, rules, and policies promulgated by the Department. The applicable Amusement Device Tax shall be paid by the Owner of such Amusement Device to the Department.

(b) The Director of Revenue shall issue as evidence of the payment of the tax a non-transferable, self-voiding adhesive tax emblem to be placed on each Amusement Device. Such emblem shall bear the words “County of Cook Amusement Device Tax”, and such other wording as may be prescribed by the Director. It shall be unlawful for any person to mutilate said tax emblem during the year for which it was issued. The tax emblem shall be valid for a period of 12 months.

(c) No Person may make an Amusement Device available to the general public in Cook County unless the tax has been paid on said Amusement Device and is evidenced by the tax emblem conspicuously affixed to the Amusement Device. It shall be unlawful for the Owner or Person in control of such premises to permit the installation or use of an Amusement Device within the County of Cook unless the tax has been paid and is

evidenced by the tax emblem. Each such Amusement Device shall be plainly labeled with the name, address and telephone number of the Owner or Owners of the Amusement Device. No Person shall remove, alter or deface the tax emblem or label, required by this Article, or allow use of an Amusement Device if the tax emblem or label has been removed, altered, defaced or has become illegible.

(d) No tax emblem provided for an Amusement Device shall be transferable. No refunds shall be made for any tax emblem properly issued by the Department.

**Sec. 74-589. Registration of Owners and Remittance.**

(a) Each Owner or Person in possession of an Amusement Device shall apply for registration with the Department within twenty (20) days after the adoption of this Ordinance or the commencement of business. Application for registration shall be made to the Department by use of a form furnished by the Department for such purpose and shall contain information the Department requires.

(b) Each Owner of an Amusement Device made available for public use in Cook County shall make payable to the Cook County a tax remittance, which must accompany its application. No application shall be processed unless a tax remittance of \$150.00 per Simple Amusement Device and \$225.00 per Prize-generating Amusement Devices accompanies said application.

**Sec. 74-590. Books and Records.**

Every Owner or Person in possession of an Amusement Device within Cook County shall jointly and severally have the duty to maintain complete and accurate books, records and accounts showing the proper tax has been paid for each Amusement Device. These documents shall be made available to the Department or a duly authorized representative for examination upon reasonable notice and during normal business hours.

**Sec. 74-591. Rules and Regulations.**

The Department may promulgate reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this Ordinance. As far as practicable in accordance with the purposes of this Ordinance, such procedures, regulations, rules, and policies shall be consistent with the practices of the automatic amusement industry.

**Sec. 74-592. Violations, penalties, administrative hearings.**

(a) If at any time an Amusement Device that is available for public use in Cook County does not have fixed upon it the adhesive tax emblem required by this Article, the Owner or Person in possession of an Amusement Device, shall be jointly and severally liable for a fine of \$500.00 for the first offense relative to the Amusement Device, and \$1000.00 for any subsequent offense relative to any Amusement Device. Every day such violation continues shall constitute a separate and distinct offense.

(b) Administrative Adjudication. Any Person issued a notice of violation for violation of this Article may, upon request, receive an administrative hearing in accordance with Chapter 2, Administration, Article IX, Administrative Hearings of this Code.

**Sec. 74-593. Application of uniform penalties, interest, and procedures ordinance.**

Whenever not inconsistent with the provisions of this article or whenever this article is silent, the provisions of the uniform penalties, interest and procedures ordinance, Chapter 34 Finance, Article III, Uniform Penalties, Interest and Procedures, of this Code shall apply and supplement this article.

**Sec. 74-594. Enforcement.**

The Department is authorized to enforce this Article and the Sheriff of Cook County is authorized to, and shall assist the Department, in enforcement of this Ordinance.

**Effective date:** This Ordinance shall be effective on the 90<sup>th</sup> day after passage.

**\*Referred to the Committee on Finance on 11/01/11.**

**At the request of the sponsor, consideration of the proposed amendment to the Amusement Device Ordinance Tax (Communication No. 315208) was deferred.**

315209      **COURTHOUSE FACILITY PARKING RESOLUTION (PROPOSED RESOLUTION).** Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President and John P. Daley and Robert Steele, County Commissioner.

PROPOSED RESOLUTION

**COURTHOUSE FACILITY PARKING RESOLUTION**

**WHEREAS**, since 2006, the Cook County Board of Commissioners have discussed the need to have a plan to implement fee-based parking at all Cook County owned parking lots; and

**WHEREAS**, implementing fee based parking at the Cook County Courthouse Facilities will provide a revenue resource that will not only assist in deficit reduction but will help offset the costs of the parking facilities; and

**WHEREAS**, the Department of Facilities Management supervises County owned parking lots and is working with the Purchasing and Revenue Departments to implement fee-based parking; and

**WHEREAS**, fee-based parking should be implemented at the following Cook County Courthouse Facilities: Criminal Courts Complex (26<sup>th</sup> Street); Bridgeview Courthouse; Skokie Courthouse; Maywood Courthouse; Markham Courthouse and the Rolling Meadows Courthouse; and

**WHEREAS**, fees should be charged to any individual or employee entering utilizing the Cook County Courthouse Facility parking garages on a daily basis in an amount no less than \$4.75 a day; and

**WHEREAS**, monthly passes should be made available that could be applied for monthly use at any one of the Cook County Courthouse Facility parking garages for a fee of no less than \$65.00.

**BE IT RESOLVED**, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue Departments implement fee based parking at the following Cook County Courthouse Facility parking garages: Criminal Courts Complex (26<sup>th</sup> Street); Bridgeview Courthouse; Skokie Courthouse; Maywood Courthouse; Markham Courthouse and the Rolling Meadows Courthouse; and

**BE IT FURTHER RESOLVED**, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue shall work together to implement the fee based parking within 6 months of the effective date of this Resolution inclusive of any applicable tax other than parking taxes imposed by Cook County; and

**BE IT FURTHER RESOLVED**, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue report back to the Board of Commissioners within 120 days regarding the status of the implementation of fee based parking at the Cook County Courthouse Facility parking garages.

**\*Referred to the Committee on Finance on 11/01/11.**

**Commissioner Fritchey, seconded by Commissioner Suffredin, moved to approve Amendment #1 to the proposed Resolution (Communication No. 315209). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE AMENDMENT #1 TO  
COMMUNICATION NO. 315209**

**Yeas:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Collins, Fritchey, Garcia, Goslin, Murphy, Reyes, Schneider, Silvestri, Steele, and Suffredin (13)

**Nays:** Commissioners Beavers, Gorman, and Tobolski (3)

**Absent:** Commissioner Gainer (1)

**The motion carried and amendment #1 to the Courthouse Facility Parking Resolution (Communication No. 315209) was approved and adopted, as follows:**

**COURTHOUSE FACILITY PARKING RESOLUTION (PROPOSED RESOLUTION).** Submitting a Proposed Resolution sponsored by John A. Fritchey County Commissioner.

PROPOSED RESOLUTION

**COURTHOUSE FACILITY PARKING RESOLUTION**

WHEREAS, since 2006, the Cook County Board of Commissioners have discussed the need to have a plan to implement fee-based parking at all Cook County owned parking lots; and

WHEREAS, implementing fee based parking at the Cook County Courthouse Facilities will provide a revenue resource that will not only assist in deficit reduction but will help offset the costs of the parking facilities; and

WHEREAS, the Department of Facilities Management supervises County owned parking lots and is working with the Purchasing and Revenue Departments to implement fee-based parking; and

WHEREAS, fee-based parking should be implemented at the following Cook County Courthouse Facilities: Criminal Courts Complex (26th Street); Bridgeview Courthouse; Skokie Courthouse; Maywood Courthouse; Markham Courthouse and the Rolling Meadows Courthouse; and

WHEREAS, fees should be charged to any individual or employee entering utilizing the Cook County Courthouse Facility parking garages on a daily basis in an amount no less than \$4.75 a day; and

WHEREAS, monthly passes should be made available that could be applied for monthly use at any one of the Cook County Courthouse Facility parking garages for a fee of no less than \$65.00; and

WHEREAS, Jurors perform a vital role in the American system of justice, and in fact the protection of our rights and liberties is largely achieved through the teamwork of judge and jury and is one of the highest representations of democracy that we have in our country; and

WHEREAS, despite the importance of jury duty, the reality is that it is an imposition, a disruption to a person's life, because they have to arrange time off work, care for their children, and often people experience some financial loss as a result; and

WHEREAS, in recognition of said inconveniences experienced by jurors, this Honorable Body does not wish to further burden them with fees for parking at our courthouses, and therefore jurors should be exempt from any parking fees while performing jury duty; and

WHEREAS, furthermore, we should not burden the police officers attending court in their official capacities by charging them to park at courthouse parking facilities; and

WHEREAS, to eliminate said burden on police officers, they shall also be exempt from any parking fees while functioning in their official capacity;

BE IT RESOLVED, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue Departments implement fee based parking at the following Cook County Courthouse Facility parking garages: Criminal Courts Complex (26th Street); Bridgeview Courthouse; Skokie Courthouse; Maywood Courthouse; Markham Courthouse and the Rolling Meadows Courthouse; and

BE IT FURTHER RESOLVED, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue shall work together to implement the fee based parking, exempting jurors and law enforcement officers functioning in their official capacity, within 6 months of the effective date of this Resolution inclusive of any applicable tax other than parking taxes imposed by Cook County; and

BE IT FURTHER RESOLVED, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue report back to the Board of Commissioners within 120 days regarding the status of the implementation of fee based parking at the Cook County Courthouse Facility parking garages.

implement the fee based parking within 6 months of the effective date of this Resolution inclusive of any applicable tax other than parking taxes imposed by Cook County; and

**BE IT FURTHER RESOLVED,** by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue report back to the Board of Commissioners within 120 days regarding the status of the implementation of fee based parking at the Cook County Courthouse Facility parking garages.

**Commissioner Suffredin, seconded by Commissioner Garcia, moved to approve Amendment #2 to the proposed Resolution (Communication No. 315209). Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE AMENDMENT #2 TO  
COMMUNICATION NO. 315209**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Collins, Fritchey, Gainer, Garcia, Goslin, Murphy, Reyes, Schneider, Silvestri, Steele, and Suffredin (14)

Nays: Commissioners Beavers, Gorman, and Tobolski (3)

**The motion carried and amendment #2 to the Courthouse Facility Parking Resolution (Communication No. 315209) was approved and adopted, as follows:**

**COURTHOUSE FACILITY PARKING RESOLUTION (PROPOSED RESOLUTION).** Submitting a Proposed Resolution sponsored by Larry Suffredin, County Commissioner.

PROPOSED RESOLUTION

**COURTHOUSE FACILITY PARKING RESOLUTION**

**WHEREAS**, since 2006, the Cook County Board of Commissioners have discussed the need to have a plan to implement fee-based parking at all Cook County owned parking lots; and

**WHEREAS**, implementing fee based parking at the Cook County Courthouse Facilities will provide a revenue resource that will not only assist in deficit reduction but will help offset the costs of the parking facilities; and

**WHEREAS**, the Department of Facilities Management supervises County owned parking lots and is working with the Purchasing and Revenue Departments to implement fee-based parking; and

**WHEREAS**, fee-based parking should be implemented at the following Cook County Courthouse Facilities: Criminal Courts Complex (26th Street); Bridgeview Courthouse; Skokie Courthouse; Maywood Courthouse; Markham Courthouse and the Rolling Meadows Courthouse; and

**WHEREAS**, fees should be charged to any individual or employee entering utilizing the Cook County Courthouse Facility parking garages on a daily basis in an amount no less than \$4.75 a day; and

**WHEREAS**, monthly passes should be made available that could be applied for monthly use at any one of the Cook County Courthouse Facility parking garages for a fee of no less than \$65.00; and

**WHEREAS**, any individual acting as a juror, law enforcement personnel on official business, a voter participating in an early voting site, or witness under subpoena from the Cook County State's Attorney or Cook County Public Defender is exempt from having to pay a fee to park in any Cook County Courthouse Facility.

**BE IT RESOLVED**, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue Departments implement fee based parking at the following Cook County Courthouse Facility parking garages: Criminal Courts Complex (26th Street); Bridgeview Courthouse; Skokie Courthouse; Maywood Courthouse; Markham Courthouse and the Rolling Meadows Courthouse; and

**BE IT FURTHER RESOLVED**, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue shall work together to implement the fee based parking, and to exempt jurors, law enforcement personnel on official business or witnesses under subpoena from the Cook County State's Attorney or

Cook County Public Defender from having to pay the fee, within 6 months of the effective date of this Resolution inclusive of any applicable tax other than parking taxes imposed by Cook County; and

**BE IT FURTHER RESOLVED**, by the Cook County Board of Commissioners that the Departments of Facilities Management, Purchasing and Revenue report back to the Board of Commissioners within 120 days regarding the status of the implementation of fee based parking and exemptions at the Cook County Courthouse Facility parking garages.

**Commissioner Suffredin, seconded by Commissioner Murphy, moved to approve the proposed Resolution (Communication No. 315209) as amended by Amendment Numbers 1 and 2. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315209 AS AMENDED**

Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Murphy, Reyes, Steele, and Suffredin (10)

Nays: Commissioners Beavers, Collins, Gorman, Goslin, Schneider, and Tobolski (6)

Present: Commissioner Silvestri (1)

**The motion carried and the Courthouse Facility Parking Resolution (Communication No. 315209) as amended, was approved and adopted.**

315213 **USE TAX ON NON-RETAILER TRANSFERS OF MOTOR VEHICLES ORDINANCE (PROPOSED ORDINANCE).** Submitting a Proposed Ordinance sponsored by Toni Preckwinkle, President and Jesus G. Garcia, Gregg Goslin, Timothy O. Schneider, Peter Silvestri, and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE

**USE TAX ON NON-RETAILER TRANSFERS OF MOTOR VEHICLES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XVII, Sec. 74-595 through Sec. 74-605 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XVII. COOK COUNTY USE TAX ON NON-RETAILER TRANSFERS OF MOTOR VEHICLES**

**Sec. 74-595. - Short title.**

This Article shall be known and may be cited as the "Cook County Home Rule Use Tax Ordinance for Non-retailer Transfers of Motor Vehicles." The tax shall be known as the "Cook County Home Rule Use Tax for Non-retail Transfers of Motor Vehicles" and is

imposed in addition to all other taxes imposed by the County of Cook, the State of Illinois or any other municipal corporation or political subdivision of the State of Illinois.

**Sec. 74-596. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“*County*” means Cook County, Illinois.

“*Illinois Vehicle Code*” means the Illinois Vehicle Code, effective July 1, 1970, as amended, 625 ILCS 5/1, et seq.

“*Illinois Use Tax Act*” means the Use Tax Act, effective July 14, 1955, as amended, 35 ILCS 105/1, et seq.

“*Motor vehicle*” means a motor vehicle, as defined by the Illinois Vehicle Code, which is titled or registered with an agency of the State of Illinois at a location within the corporate limits of the County of Cook.

“*Use*” has, to the extent applicable, the meaning set forth in the Illinois Use Tax Act.

“*Department*” means the Department of Revenue.

“*Director*” means the director of the Department of Revenue or duly authorized representative.

“*Tax*” or use tax means the tax imposed by this article, unless the context requires construction

“*Use Tax for Non-retailer Transfers of Motor Vehicles in Cook County*” means tax applied to the transfer or purchase of a motor vehicle that is titled or registered from a non-retailer, at a location in Cook County, with an agency of the State of Illinois

“*User*” means any person whose name is on the motor vehicle title or registration.

**Sec. 74-597. - Tax imposed and Tax Rate**

(a) Tax imposed on user. The tax imposed by this article and the obligation to pay the same is upon the user, as described in this article.

1. Except as otherwise provided by this Chapter, a tax is imposed upon the privilege of using in the County any motor vehicle that is acquired by purchase, gift or transfer. The ultimate incidence of and obligation for payment of the tax is on the person that acquires the motor vehicle by purchase, gift or transfer.

2. Notwithstanding subsection (a)1 of this section, the tax shall not apply if the motor vehicle is purchased at retail from a retailer and the purchaser is required to pay Use Tax per Article VII of the County's Code.

(b) Nothing in this Article shall be construed to impose a tax upon any business or activity which, under the constitutions of the United States and the State of Illinois, may not be made the subject of taxation by the County.

(c) Tax Rate. A tax is imposed on the non-retailer transfer of motor vehicles by taking into consideration the purchase or fair market value of the motor vehicle; the tax rates shall be as follows:

1. Use when purchase price of a vehicle is less than \$15,000.00. The following rates shall be imposed on the use of the non-retailer transfer of motor vehicles which is titled or registered with an agency of the State of Illinois at a location inside Cook County if the purchase price (or fair market value) of the motor vehicle from a non-retailer or the transfer of the motor vehicle from a non-retailer is less than \$15,000:

Purchase Price (or Fair Market Value) is less than \$15,000.00 and Vehicle Age (years) is:	Tax Due
1 or newer	\$390
2	\$290
3	\$215
4	\$165
5	\$115
6	\$90
7	\$80
8	\$65
9	\$50
10	\$40
11 or older	\$25

2. Use when purchase price of a motor vehicle from a non-retailer is greater than \$15,000.00. The following rates shall be imposed on the use of the non-retailer transfer of motor vehicles which is titled or registered with an agency of the State of Illinois at a location inside Cook County if the purchase price (or fair market value) of the motor vehicle from a non-retailer or the transfer of the motor vehicle from a non-retailer is greater than \$15,000:

Purchase Price (or fair market value) is greater than \$15,000.00	Tax Due
15,000 to 19,999.99	\$750
20,000 to 24,999.99	\$1,000
25,000 to 29,999.99	\$1,250
30,000 or more	\$1,500

3. The rate of the tax shall be \$25.00 for each motor vehicle acquired from a non-retailer under the following circumstances:

a. The transferee or purchaser is the spouse, mother, father, brother, sister

or child of the transferor and proof of family relationship is established;

b. The transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is not a surviving spouse;

c. The motor vehicle has been taxed pursuant to the Illinois Retailers' Occupation Tax Act, 35 ILCS 120/1, et seq., as amended, or the Illinois Use Tax Act or any other state retailers' occupation tax, sales tax or use tax and the motor vehicle is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business provided that the beneficial ownership is not changed.

**Sec. 74-598. - Duty of department to collect.**

It shall be the duty of the Department to collect and receive the tax imposed by this article. The Department shall keep an accurate and separate account of all such tax payments received by it showing the name and address of the person remitting the tax and the date of each payment. The Director is hereby empowered to adopt, promulgate and enforce, rules and regulations not inconsistent with this article, relating to the administration and enforcement of the provisions of this article, including provisions for examination, reexamination, correction and amendment of all returns filed or required to be filed pursuant to this article or request the Department of Administrative Hearing to conduct hearings, to aid in establishing liability for payment of taxes due under this article.

**Sec. 74-599. - Exemptions.**

Notwithstanding any other provision of this Article, the tax imposed by this Article shall not apply to:

(a) A motor vehicle that is purchased and used by a governmental agency or a society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes;

(b) The use of a motor vehicle that is exempt under the applicable provisions of Section 3-55(b), (c), (d), (e) or (f) of the Illinois Use Tax Act;

(c) Implements of husbandry;

(d) A motor vehicle for which a junking certificate has been issued pursuant to Section 3-117.1(a) of the Illinois Vehicle Code;

(e) A motor vehicle that is subject to the replacement vehicle tax imposed by either Section 3-2001 of the Illinois Vehicle Code;

(f) A motor vehicle that is transferred as a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

**Sec. 74-600. - Obligation of taxpayers to file returns and pay tax.**

Every person that is required to pay the tax imposed by this Article shall file a return on a form prescribed by the Director and pay all applicable tax to the Department or its designee on or before the last day of the calendar month following the month that the motor vehicle was acquired.

**Sec.74-601. - Rules and regulations.**

The director is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this Article.

**Sec. 74-602. - Tax additional.**

The tax imposed in this article is in addition to all other taxes imposed by the County, the State or any municipal corporation or political subdivision thereof.

**Sec. 74-603. - Violations; penalty.**

Any user determined to have violated this article, as amended, shall be subject to a fine of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. 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. It shall be deemed a violation of this article for any person to knowingly furnish false or inaccurate information to the Department. Criminal prosecution pursuant to this article shall in no way bar the right of the County to institute civil proceedings to recover delinquent taxes, interest and penalty due and owing as well as costs incurred for such proceeding.

**Sec. 74-604. - Application of uniform penalties, interest and procedures ordinance.**

Whenever not inconsistent with the provisions of this article or whenever this Article is silent, the provisions of the uniform penalties, interest and procedures ordinance, Chapter 34 Finance, Article III, Uniform Penalties, Interest and Procedures, of this Code shall apply and supplement this article.

**\*Referred to the Committee on Finance on 11/01/11.**

**Commissioner Garcia, seconded by Commissioner Steele, moved to accept a Substitute Ordinance Amendment to Communication No. 315213. The motion carried, and Communication No. 315213 was amended by substitution, as follows:**

315213

**USE TAX ON NON-RETAILER TRANSFERS OF MOTOR VEHICLES ORDINANCE (PROPOSED ORDINANCE).** Submitting a Proposed Ordinance sponsored by Toni Preckwinkle, President and Jesus G. Garcia, Gregg Goslin, Timothy O. Schneider, Peter Silvestri, and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE

**USE TAX ON NON-RETAILER TRANSFERS OF MOTOR VEHICLES**

**USE TAX ON NON-RETAILER TRANSFERS OF MOTOR VEHICLES**  
**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XVII, Sec. 74-595 through Sec. 74-605 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XVII. COOK COUNTY USE TAX ON NON-RETAILER TRANSFERS OF MOTOR VEHICLES**

**Sec. 74-595. - Short title.**

This Article shall be known and may be cited as the "Cook County Home Rule Use Tax Ordinance for Non-retailer Transfers of Motor Vehicles." The tax shall be known as the "Cook County Home Rule Use Tax for Non-retail Transfers of Motor Vehicles" and is imposed in addition to all other taxes imposed by the County of Cook, the State of Illinois or any other municipal corporation or political subdivision of the State of Illinois.

**Sec. 74-596. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"*County*" means Cook County, Illinois.

"*Illinois Vehicle Code*" means the Illinois Vehicle Code, effective July 1, 1970, as amended, 625 ILCS 5/1, et seq.

"*Illinois Use Tax Act*" means the Use Tax Act, effective July 14, 1955, as amended, 35 ILCS 105/1, et seq.

"Motor vehicle" means a motor vehicle, as defined by the Illinois Vehicle Code, which is titled or registered with an agency of the State of Illinois at a location within the corporate limits of the County of Cook.

"Use" has, to the extent applicable, the meaning set forth in the Illinois Use Tax Act.

"*Department*" means the Department of Revenue.

"*Director*" means the director of the Department of Revenue or duly authorized representative.

“Tax” or use tax means the tax imposed by this article, unless the context requires construction.

“Use Tax for Non-retailer Transfers of Motor Vehicles in Cook County” means tax applied to the transfer or purchase of a motor vehicle that is titled or registered from a non-retailer, at a location in Cook County, with an agency of the State of Illinois

“User” means any person whose name is on the motor vehicle title or registration.

**Sec. 74-597. - Tax imposed and Tax Rate**

(a) Tax imposed on user. The tax imposed by this article and the obligation to pay the same is upon the user, as described in this article.

1. Except as otherwise provided by this Chapter, a tax is imposed upon the privilege of using in the County any motor vehicle that is acquired by purchase, gift or transfer. The ultimate incidence of and obligation for payment of the tax is on the person that acquires the motor vehicle by purchase, gift or transfer.

2. Notwithstanding subsection (a)1 of this section, the tax shall not apply if the motor vehicle is purchased at retail from a retailer and the purchaser is required to pay Use Tax per Article VII of the County’s Code.

(b) Nothing in this Article shall be construed to impose a tax upon any business or activity which, under the constitutions of the United States and the State of Illinois, may not be made the subject of taxation by the County.

(c) Tax Rate. Except as otherwise provided in this Chapter, the rate of the tax imposed by this Chapter is stated as follows:

Age of Vehicle	Tax Due
5 years or newer	\$225
6 to 10 years	\$200
11 or older	\$175

3. The rate of the tax shall be \$25.00 for each motor vehicle acquired from a non-retailer under the following circumstances:

a. The transferee or purchaser is the spouse, mother, father, brother, sister or child of the transferor and proof of family relationship is established;

b. The transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is not a surviving spouse;

c. The motor vehicle has been taxed pursuant to the Illinois Retailers’ Occupation Tax Act, 35 ILCS 120/1, et seq., as amended, or the Illinois Use Tax Act or

any other state retailers' occupation tax, sales tax or use tax and the motor vehicle is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business provided that the beneficial ownership is not changed.

**Sec. 74-598. - Duty of department to collect.**

It shall be the duty of the Department to collect and receive the tax imposed by this article. The Department shall keep an accurate and separate account of all such tax payments received by it showing the name and address of the person remitting the tax and the date of each payment. The Director is hereby empowered to adopt, promulgate and enforce, rules and regulations not inconsistent with this article, relating to the administration and enforcement of the provisions of this article, including provisions for examination, reexamination, correction and amendment of all returns filed or required to be filed pursuant to this article or request the Department of Administrative Hearing to conduct hearings, to aid in establishing liability for payment of taxes due under this article.

**Sec. 74-599. - Exemptions.**

Notwithstanding any other provision of this Article, the tax imposed by this Article shall not apply to:

(a) A motor vehicle that is purchased and used by a governmental agency or a society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes;

(b) The use of a motor vehicle that is exempt under the applicable provisions of Section 3-55(b), (c), (d), (e) or (f) of the Illinois Use Tax Act;

(c) Implements of husbandry;

(d) A motor vehicle for which a junking certificate has been issued pursuant to Section 3-117.1(a) of the Illinois Vehicle Code;

(e) A motor vehicle that is subject to the replacement vehicle tax imposed by either Section 3-2001 of the Illinois Vehicle Code;

(f) A motor vehicle that is transferred as a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

**Sec. 74-600. - Obligation of taxpayers to file returns and pay tax.**

Every person that is required to pay the tax imposed by this Article shall file a return on a form prescribed by the Director and pay all applicable tax to the Department or its designee on or before the last day of the calendar month following the month that the motor vehicle was acquired.

**Sec.74-601. - Rules and regulations.**

The director is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this Article.

**Sec. 74-602. - Tax additional.**

The tax imposed in this article is in addition to all other taxes imposed by the County, the State or any municipal corporation or political subdivision thereof.

**Sec. 74-603. - Violations; penalty.**

Any user determined to have violated this article, as amended, shall be subject to a fine of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. 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. It shall be deemed a violation of this article for any person to knowingly furnish false or inaccurate information to the Department. Criminal prosecution pursuant to this article shall in no way bar the right of the County to institute civil proceedings to recover delinquent taxes, interest and penalty due and owing as well as costs incurred for such proceeding.

**Sec. 74-604. - Application of uniform penalties, interest and procedures ordinance.**

Whenever not inconsistent with the provisions of this article or whenever this Article is silent, the provisions of the uniform penalties, interest and procedures ordinance, Chapter 34 Finance, Article III, Uniform Penalties, Interest and Procedures, of this Code shall apply and supplement this article.

**EFFECTIVE DATE:** This Ordinance shall be effective on the 90th day following passage.

**Commissioner Garcia, seconded by Commissioner Steele, moved that the substitute proposed ordinance amendment (Communication No. 315213) be approved as amended. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:**

**ROLL CALL ON MOTION TO APPROVE  
COMMUNICATION NO. 315213**

**Yeas:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Goslin, Murphy, Reyes, Schneider, Silvestri, Steele, Suffredin and Tobolski (14)

**Nays:** Commissioners Beavers, Collins, and Gorman (3)

**The motion carried and the substitute amendment to the Use Tax on Non-retailer Transfers of Motor Vehicles (Communication No. 315213) was approved and adopted.**

Having voted on the prevailing side, Commissioner Garcia, seconded by Commissioner Steele, moved to reconsider the vote by which the amendment to the Use Tax on Non-retailer Transfers of Motor Vehicles (Communication No. 315213) was approved. Chairman Daley called for a roll call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO RECONSIDER  
COMMUNICATION NO. 315213**

Yeas: Commissioners Beavers, Collins, and Gorman (3)

Nays: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Goslin, Murphy, Reyes, Schneider, Silvestri, Steele, Suffredin and Tobolski (14)

**The motion to reconsider failed, and the vote by which the proposed amendment to the Use Tax on Non-retailer Transfers of Motor Vehicles Ordinance (Communication No. 315213) was approved is hereby reaffirmed.**

**COMMISSIONER STEELE, SECONDED BY COMMISSIONER GARCIA, MOVED TO ADJOURN. THE MOTION CARRIED AND THE MEETING WAS ADJOURNED.**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

Communication Number 315196	Approve
Communication Number 315197	Approve
Communication Number 315198	Approve
Communication Number 315199	Approve
Communication Number 315200	Approve
Communication Number 315201	Approve As Amended
Communication Number 315202	Approve
Communication Number 315203	Approve As Amended
Communication Number 315204	Approve
Communication Number 315205	Approve As Amended
Communication Number 315206	Deferred
Communication Number 315207	Approve
Communication Number 315208	Deferred
Communication Number 315209	Approve As Amended
Communication Number 315213	Approve As Amended

Respectfully submitted,  
Committee on Finance Committee

  
John P. Daley, Chairman

Attest:

  
Matthew B. DeLeon, Secretary

The transcript for this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 436, Chicago, IL 60602.

DISTILLED  
SPIRITS  
COUNCIL  
OF THE  
UNITED  
STATES

DALE C. SZYNDROWSKI  
Vice President, Central Region

October 31, 2011

Hon. John P. Daley  
Chairman Finance Committee  
Cook County Board of Commissioners  
118 N. Clark  
Room 567  
Chicago, Illinois 60602

Dear Commissioner Daley,

On behalf of the Distilled Spirits Council, which represents over 5,000 spirits brands in the Chicago market, I urge you and your colleagues to oppose the 25-50 percent alcohol tax increase included in the recently announced revenue proposals.

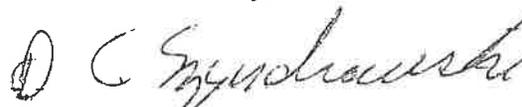
This tax increase would mark the fourth alcohol tax hike on Chicagoans since 2005, including a state excise tax increase in 2009 that nearly doubled taxes on spirits. Adding another 25-50 percent to the County Excise Tax will penalize cash-strapped residents and punish the already struggling Chicago-area hospitality industry – which is still down 13,000 jobs since the recession.

Consider, right now in Chicago, a restaurant patron already pays a staggering eight different direct taxes each time he or she purchases a drink: Federal Excise Tax (\$13.50/proof gallon), State Excise Tax (\$8.55/gallon), County Excise Tax (\$2.00/gallon), City Excise Tax (\$2.68/gallon), State Sales Tax (6.25%), County Sales Tax (1.25%), City Sales Tax (1.25%) and Transport Tax (1.00%).

The proposed tax increase will make spirits taxes in Chicago 85% higher than in New York City, and likely drive more business and tourists into surrounding counties and neighboring Indiana. In total, nearly 60% of the purchase price of a typical bottle of spirits at the local liquor store goes to taxes. By any measure, Cook County consumers are already paying more than their fair share in alcohol taxes.

During these troubling times, policymakers need to protect hospitality workers and consumers, not punish them with higher taxes. Respectfully, I urge you and your colleagues to reject the proposal to increase Cook County's already burdensome alcohol tax.

Sincerely,

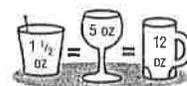


Dale Szyndrowski  
Vice President

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A FACT ABOUT ALCOHOL CONTENT:



## Testimony Presented Before the Cook County Finance Committee

November 11, 2011

Maribel Mendoza

Senior Analyst, Manufacturing, U.S. Smokeless Tobacco Co.

---

Good Morning Chairman Daley and other members of the Committee,

My name is Maribel Mendoza and I am here today on behalf of the approximately 250 employees of the U.S. Smokeless Tobacco manufacturing facility located in Franklin Park.

Several of my colleagues are also here with me today.

I currently work as Senior Analyst in Manufacturing and I have worked at the facility for 20 years. I am not alone in my family as a proud employee of USSTC – my mother also spent 20 years as an employee before her retirement.

Today the Board is considering implementing a new tax on the smokeless tobacco products we produce.

I am here today to ask the Board to reconsider that tax.

The U.S. Smokeless Tobacco Company has manufactured products, and provided jobs, in the Chicago area for more than a century. We have been at the current site in Franklin Park since 1974. We are a vibrant and diverse group of employees, split fairly evenly between hourly and salaried, and represented by four unions.

I also have some materials with me today to share that capture many of the highlights of USSTC's history and presence in Cook County.

We are proud to be members of the Cook County manufacturing and business community and we are fortunate to be able to partner with so many suppliers and partners in Franklin Park and the surrounding areas.

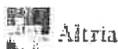
We know the tough challenges facing the County and the tough decisions the Board has to make to close the budget deficit.

But singling out tobacco products for higher taxes penalizes a great local employer and causes me great concern.

I know there are many others here today who will share their perspectives, but I ask you today to consider the message the Board is sending by levying an additional tax on one of the very products made within the County's borders.

On behalf of my co-workers at Franklin Park, I ask the Board to not pass this tax.

Thank you for your consideration.



ILLINOIS

# 2010 Facts



**Altria Group owns and develops financially disciplined businesses that are leaders in responsibly providing adult tobacco and wine consumers with superior branded products. Its subsidiaries include:**



- Philip Morris USA (PM USA), the nation's largest cigarette company;
- U.S. Smokeless Tobacco Company (USSTC), the world's leading producer and marketer of moist smokeless tobacco;
- John Middleton, a leading manufacturer and marketer of cigars and pipe tobacco; and
- Ste. Michelle Wine Estates, ranking among the top 10 producers of premium wines in the United States.

## Our Presence

U.S. Smokeless Tobacco Company has called Illinois home for more than 100 years.

More than a billion dollars related to Altria's companies flow through Illinois every year in the form of taxes, small business revenue, donations and income for thousands of Illinoisans.

Taxes<sup>I</sup> paid by Altria and its companies, as well as taxes on total tobacco sales, represented 4.3 percent of Illinois' total tax revenue in 2010.<sup>II</sup>

### 2010 Economic Impact of Altria's Companies and Total Tobacco Sales

Employees and Facilities <i>(employee wages, use, payroll, property and income and franchise taxes)</i>	\$46,000,000
Revenue from Total Tobacco Sales <i>(state excise taxes, tobacco sales taxes, Master Settlement Agreement payments)</i>	\$1,078,000,000
Supply Chain <i>(spending with Illinois suppliers)</i>	\$637,000,000
Community Investments <i>(corporate contributions)</i>	\$345,000
<b>TOTAL:</b>	<b>\$1,761,345,000</b>

## CONTENTS

■ Employees and Facilities	2
■ Revenue from Total Tobacco Sales	3
■ Strengthening Communities	4

Sources:

I Altria and its companies' corporate taxes paid are from January – December 2010.

II U.S. Census Bureau <http://www.census.gov/govs/statetax/>.

## ILLINOIS | Employees and Facilities

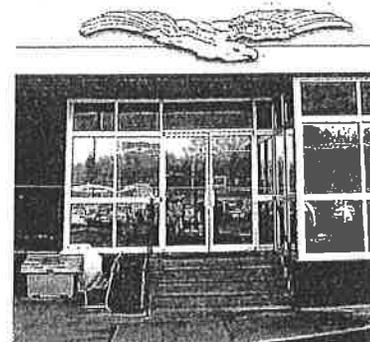


In 2010, Altria and its companies, in total, employed nearly 375 people in Illinois.

U.S. Smokeless Tobacco Company's manufacturing facility in Franklin Park employs approximately 250 people and is the primary facility for new product manufacturing.

About half of the Franklin Park employees are hourly workers, and the remaining are salaried employees. The average tenure of a union-represented employee is nearly 13 years. Four unions represent Franklin Park's hourly employees:

- International Brotherhood of Electrical Workers;
- International Union of Operating Engineers; and
- Two units of the Service Employees International Union.



In 2010, Altria and its companies paid or generated more than \$46 million to the Illinois economy in employee wages and various taxes including use, payroll, property, and income and franchise.

There are about 280 retirees from Altria's companies that reside in Illinois. Altria continues to offer a highly competitive compensation and benefits package, which ranks among the strongest when compared with similar consumer packaged goods companies.

Since 1905, USSTC and its predecessor companies have manufactured its products in Chicago-area facilities. Operations have been in the current Franklin Park site in 1974.

Altria Sales & Distribution, which provides Altria's tobacco companies with sales and distribution services, has a sales office in Schaumburg.





## Revenue from Total Tobacco Sales

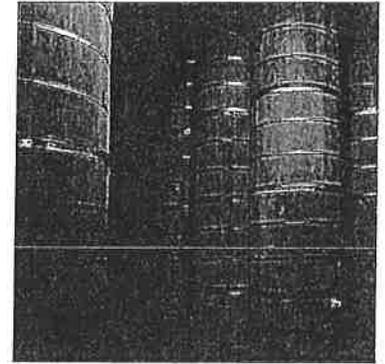
As of 2010, Illinois has received an estimated \$3.3 billion under the Master Settlement Agreement from participating cigarette manufacturers.<sup>I</sup>

### 2010 Estimated State Revenue Generated by Tobacco Product Purchases in Illinois

Cigarette excise taxes <sup>II</sup>	\$558,000,000
Cigarette sales taxes <sup>III</sup>	\$20,000,000
Other tobacco products excise taxes <sup>IV</sup>	\$24,000,000
Other tobacco products sales taxes <sup>V</sup>	\$12,000,000
Master Settlement Agreement revenue <sup>VI</sup>	\$284,000,000
<b>TOTAL:</b>	<b>\$1,078,000,000</b>

### 2010 Estimated Federal Revenue Generated by Tobacco Product Purchases in Illinois

Cigarette excise taxes <sup>VII</sup>	\$575,300,000
Other tobacco products excise taxes <sup>VIII</sup>	\$36,100,000
<b>TOTAL:</b>	<b>\$611,400,000</b>



## Supply Chain

In 2010, Altria and its companies purchased \$637 million in goods and services from more than 400 Illinois based firms.

There are about 12,000 retailers in Illinois that sell tobacco products.<sup>IX</sup> Nearly 40 percent of convenience stores' revenue comes from in-store tobacco sales.<sup>X</sup>

American tobacco is the backbone of the cigarettes PM USA makes. A stable supply of U.S. tobacco is important to PM USA because every *Marlboro* cigarette sold in the U.S. is made predominantly of American tobacco.

USSTC uses one hundred percent American-grown tobacco in its moist smokeless tobacco products.

#### Sources:

- I Orzechowski & Walker, *The Tax Burden on Tobacco*, vol. 45, 2010 (Arlington, VA, March 2011).
- II Orzechowski & Walker, *The Tax Burden on Tobacco*, vol. 45, 2010 (Arlington, VA, March 2011).
- III Orzechowski & Walker, *The Tax Burden on Tobacco*, vol. 45, 2010 (Arlington, VA, March 2011).
- IV Orzechowski & Walker and John Dunham and Associates, *FY08 Tax Burden on Other Tobacco Products* (March 2010), funded in part by Altria Client Services.
- V Orzechowski & Walker and John Dunham and Associates, *FY08 Tax Burden on Other Tobacco Products* (March 2010), funded in part by Altria Client Services.
- VI Orzechowski & Walker, *The Tax Burden on Tobacco*, vol. 45, 2010 (Arlington, VA, March 2011).
- VII Orzechowski & Walker, *The Tax Burden on Tobacco*, vol. 45, 2010 (Arlington, VA, March 2011).
- VIII Orzechowski & Walker and John Dunham and Associates, *FY08 Tax Burden on Other Tobacco Products* (March 2010), funded in part by Altria Client Services.
- IX STARS Store Level Database as of 1/29/11 (data for 1/2/10 - 1/1/11)
- X The Association for Convenience & Petroleum Retailing <http://www.nacsonline.com/NACS/News/FactSheets/IndustryIssues/Pages/Tobacco.aspx>



## ILLINOIS | Strengthening Communities



Altria and its family of companies have a long history of supporting non-profit organizations that strengthen, enrich and improve communities where we live and work. Since 2000, Altria and its companies have donated more than \$1.5 billion in cash and in-kind contributions nationally.

Altria's charitable giving is aligned to support our mission, business strategies and goals. Our giving helps Altria and its companies invest in communities, reduce the environmental impact of our business and help reduce underage tobacco use. The company invests in Arts and Culture, Education, Environment and Positive Youth Development to help create vibrant and engaging communities where our employees live and work.



In 2010, Altria's giving in Illinois included contributions to several organizations:

The Heartland Institute  
United States Hispanic Leadership Institute Inc.  
Volunteer Center of NW Suburban Chicago  
Alliance for the Great Lakes

Since 2002, PM USA has collaborated with Keep America Beautiful (KAB) to provide funds to research, develop and launch a multi-year Cigarette Litter Prevention Program. In 2010, the program achieved an average 42 percent reduction in cigarette litter in 240 participating communities.

Since 2008, seven local Illinois communities have implemented the KAB program including:

Keep Salem Beautiful  
City of Rockford  
Keep Vermilion County Beautiful  
Keep Rock Island Beautiful



Cook County Finance Hearing  
Monday, November 14, 2011

My name is Dr. Donald Zeigler, 1430 Elmwood Avenue, Evanston. I am on the faculty in Preventive Medicine at Rush University, the Evanston Health Advisory Council and serve as a liaison to the U.S. Task Force on Community Preventive Services. I have a PhD in Public Health and Health Promotion.

Speaking for the Illinois Coalition to Prevent Underage Drinking, I support the proposal to adjust the alcohol beverage tax. The U.S. Task Force on Community Preventive Services calls for increasing the unit price of alcohol by raising taxes - recommendation based on strong evidence of effectiveness for reducing excessive alcohol consumption and related harms.

Most people either don't drink at all or drink moderately. The proposed tax increase would do less to discourage moderate drinkers. Those significantly impacted by higher prices consume too much alcohol and cause the most harm. According to a recent CDC report, excess alcohol consumption costs society \$746 per capita per year or \$1.90 per drink. By making people pay more of the true cost of alcohol could help the County pay for needed services.

Moreover, I urge expanding the tobacco tax to other tobacco products. The independent Community Guide to Community Preventive Services also recommends increasing the unit price of all tobacco products. The proposal would make the use of "roll your own" tobacco products less attractive to young people, and more adults will reduce tobacco use and quit.

Despite what the business committee says, the sky will not fall. By adjusting the alcohol beverage tax and closing the tobacco tax loopholes, the County will raise needed revenues while mitigating harms to public health. These modest changes in public policy are a win-win solution.

Thank you for the opportunity to express my professional opinion on these fiscal and public health issues.

Donald W. Zeigler, PhD  
1430 Elmwood Avenue  
Evanston, IL 60201  
Cell 847-989-4908

For further information on the Illinois Coalition to Prevent Underage Drinking, contact Janet Williams at 312-545-4690.