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# CITY OF CHICAGO

## RULES

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# RETAILER'S RULES

Last Updated: March 1, 2012



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Mayor Rahm Emanuel

Commissioner Maria Guerra Lapacek

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BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION PURSUANT TO **CHAPTERS 2-25, 4-276, 7-30, 7-28-637, and 11-4-3010**, THE FOLLOWING RULES REGARDING **RETAILERS** ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed:   
Commissioner Maria Guerra Lapacek

Date: July 28, 2015

Published: **March 1, 2012**

Effective: **March 1, 2012**

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## DEFINITIONS

As used in these rules and regulations, the following terms are defined below. The use of masculine gender includes the feminine gender, the singular includes the plural and plural includes the singular.

**“Alternative Price System”** or **“APS”** means a system, certified by the Commissioner, other than individual price marking, designed to inform consumers of the actual purchase price of an item and which, when certified under these rules, exempts the retailer from the requirement of individual price marking.

**“Bulk Foods”** means food items for sale in aggregate containers from which the consumer withdraws a quantity for purchase (otherwise known as “self-service”). Examples of Bulk Foods include dried beans or grains sold by weight from self-service containers in an Establishment or pickles sold by count from a barrel. “Bulk Food” does not include fresh whole fruits or fresh whole vegetables displayed for sale, nor does it include self-serve Salad Bar items.

**“Commissioner”** means the Commissioner of the Department of Business Affairs and Consumer Protection or the Commissioner’s designee.

**“Consumer Commodities”** mean consumer items that are "used up" and replaced by consumers on a regular basis. For example, a carton of milk or a package of trash bags is regularly used up, and when a consumer runs out of such item, the consumer buys more. On the other hand, a plastic hair brush or cooking utensil is not a Consumer Commodity as it is not replaced on a regular basis.

Consumer Commodities include, but are not limited to, the following items, however packaged or contained:

- (1) Food, beverages (including liquor), other items intended for consumption by humans or animals and all substances or ingredients to be added to food;
- (2) Paper, metal, and plastic products, including but not limited to napkins, facial tissues, toilet tissues, foil wrap, plastic wrap, paper toweling, wrapping paper, cordage, disposable diapers, and disposable plates;
- (3) Detergents, solvents, waxes, soaps and other cleansing agents, sponges and similar cleaning accessories, and lubricants; and
- (4) Non-prescription drugs, personal care items, including female hygiene products, bandages, and toiletries;
- (5) Household products, including light bulbs, batteries, camera supplies, candles, tape, and adhesives.

Consumer Commodities shall **not** include:

- (1) Unpackaged fresh produce;
- (2) Individual items under three cubic inches in size;
- (3) Individual items weighing less than three ounces; and
- (4) Individual items priced under fifty cents.

**“Department”** means the Department of Business Affairs and Consumer Protection, which term includes the Commissioner and the Department’s employees.

**“Department Store”** means a large retailer that sells an extensive and varied range of Merchandise under the same roof, with various categories of Merchandise generally displayed in discrete areas of the store.

**“Establishment”** means each separate retail location, whether or not affiliated with any other retail location, where merchandise is offered for sale to the public, including wholesalers, bulk sellers, and private membership sellers of merchandise direct to consumers.

**“Overcharge”** means the price scanned or charged for an item is more than the lowest advertised, quoted, posted, or marked price.

**“Price”** means the amount stated in U.S. dollars and cents asked or charged for an item.

**“Printed Advertisement”** means printed material sent or made available to consumers *outside* of the Establishment’s location. For example, weekly mailed flyers or hand-distributed sales flyers. It does not include in-store signage or in-store sales signs

**“Retailer”** means any establishment required to be licensed by the Department of Business Affairs and Consumer Protection which offers goods for sale with the exception of any retail food establishment whose sales of hot or cold food prepared to order and/or alcohol sold by the drink make up at least 90% of its annual sales.

**“Sale Items”** means goods offered by the seller for less than the regular price.

**“Sales Dates”** means the beginning and ending dates of any sales advertisement.

**“Specialty Establishment”** means an Establishment designated by the Commissioner at which annual in-person store sales of *Consumer Commodities* are 10% or less of the Establishment’s total annual sales. An Establishment must apply to the Commissioner by letter requesting that it be designated a Specialty Establishment under these rules and regulations and in that request must submit documentation sufficient to establish that the Establishment’s annual sales of *Consumer Commodities* are 10% or less of its annual sales. ***Designation as a Specialty Establishment exempts a Retail Establishment from Rule 5 only.***

**“Store”** means “Establishment” as defined above.

**“Unit Price”** means the price of individual Consumer Commodities, calculated by dividing the total selling price by the total count, measure or weight of the individual item.

**“Universal Product Code”** or **“UPC”** means a unique symbol that consists of a machine readable code (vertical bars of varying thickness) and human-readable numbers. UPC’s are incorporated into package graphics or are applied with tags or labels.

**“Variety Combination Packaging”** means two (2) or more individual packages or units of Consumer Commodities packaged together or unpackaged for retail sale for one price. Examples of Variety Combination Packaging include but are not limited to gift baskets; sponge & cleaner combination packaging; non-prescription drugs packaged together that contain both tablet and liquid units; free samples or travel-size packages included with, or attached to, full-size products where the full-sized product is unit priced; a number of mix or match items combined by consumer in store, etc. The foregoing are examples stated to illustrate the concept, and are not exclusive of other combinations, groupings, or special packaging that may be offered from time to time to consumers.

**“Small Stores”** means establishments with two (2) registers or less.

**“Large Stores”** means establishments with three (3) or more registers.

## **SECTION I. APS – CERTIFICATION**

### **RULE 1 Application for Certification.**

- a. Any individual Establishment located in the City of Chicago may apply for certification of an APS by letter addressed to the Commissioner of Business Affairs and Consumer Protection or at the time of obtaining or renewing its business license.
- b. Any Establishment that is APS-certified under these rules and regulations must apply for certification of any new or additional location operated by the Establishment.

## RULE 2

### **Requirement to Price Mark Individual Items Pending Approval of Application for Certification of APS.**

- a. Establishments which have been price marking individual items immediately prior to application for certification of an APS are required to continue to price mark individual items pending the Commissioner's initial inspection, unless the applicant owns or operates another Establishment that is already APS certified by the Commissioner and the new Establishment uses the same system. However, if the new Establishment fails its initial inspection, then the Establishment shall be given 30 days to correct the failed items and a second inspection will be given at which time violations not correct will have citations issued for the original inspection as well as the second inspection. If the location fails the second APS inspection, then it must individually price mark all items pending certification.
- b. After its initial inspection and prior to approval of its certification, all Establishments that have applied for APS certification must conform to all of these rules and regulations.

## RULE 3

### **Approval of Application for APS Certification.**

- a. If the applicant's APS passes inspection and the application for certification is approved, a letter of certification will be issued for a period of four (4) years from the date on the letter of certification.
- b. An Establishment's APS certification is always subject to review by the Commissioner to assure the system's continued compliance with these rules.
- c. APS certification is non-transferable from one Establishment to another.

## RULE 4

### **Display of Certification.**

The APS certification must be conspicuously displayed at the service desk or other centrally located area accessible to the public in each Establishment which has been certified to operate an Alternative Price System.

## RULE 5

### **Unit Pricing.**

- a. All Consumer Commodities are required to be Unit Priced, and all Consumer Commodities of the same type must be Unit Priced in the same manner to ensure uniformity for consumer price comparison. ***The unit used for each consumer commodity is at the discretion of the Retailer as long as the same unit is used with all consumer commodities of the same type to ensure uniformity.*** Illustration: For uniformity purposes, hand lotions would be unit priced using the same unit of measure or count as other hand lotions, while hand creams would be unit priced using the same unit of measure or count as other hand creams for consumer price comparison.

- b. All unit pricing must be in United States dollars and cents. Where the Unit Price is less than \$1.00 per unit priced, the Unit Price shall be shown in at least cents to the tenth of a cent (for example, show 28.7 cents per ounce, or 0.287 dollars per ounce).
- c. Unit pricing is not required if an Establishment only carries one brand in only one size.
- d. Variety Combination Packaging and Specialty Establishments shall be exempt from Unit Price requirements.
- e. Undiluted, concentrated products and un-reconstituted powdered drink mixes shall be unit priced uniformly with other similar undiluted, concentrated products and un-reconstituted powdered drink mixes. Thus, all powdered ice tea mix packages would be unit priced using the same unit of measure as other powdered ice tea mix packages, but not necessarily using the same unit as ready-to-drink ice tea sold in a bottle. The foregoing is only an example to illustrate the concept behind the rule, which is that items that compete with each other must be unit priced uniformly.

**RULE 6                      Inspection.**

Upon receipt of an application, the Commissioner shall cause an inspection of each APS location for which certification is sought. Inspection will take place within 90 days after receiving the application letter and payment, or within 120 days if certification for more than one Establishment is sought.

**RULE 7                      Failure of Inspection.**

- a. If the Establishment fails to pass its APS inspection, the Establishment shall be re-inspected upon payment of a re-inspection fee as set forth in Rule 9.
- b. Re-inspections may require further documentation submitted for inspection and re-inspection may be limited to such documentation, depending upon each Establishment's individual situation.

**RULE 8                      Renewal of Certification.**

Each APS certification must be renewed every four (4) years. Prior to the expiration of the current APS certificate, the Department will send a renewal application. This application for each business location must be completed and returned to the Department within the time period specified by the Department. Nothing in these Rules and Regulations, however, shall relieve an Establishment from the responsibility of maintaining and renewing its APS Certification.



**RULE 9**

**APS Certification Application Inspection Fees.**

The inspection fee authorized by the City Council shall be remitted to the Department of Business Affairs and Consumer Protection within 30 days of notification of the amount of fees due. Pursuant to § 4-276510(b), for Large Stores, a fee of \$500.00 is required for certification of the first store location and \$100.00 for each additional location; for Small Stores, a fee of \$250.00 is required for the first store location and \$50.00 for each additional location. A fee of \$100.00 (Large Stores) and \$50.00 (Small Stores) is required for every re-inspection necessary due to the failure or late re-scheduling of an applicant's initial APS certification inspection under these Rules and Regulations. Not receiving a renewal application shall not be a defense to a charge of failing to renew.

**SECTION II.**

**APS – PRICING**

**RULE 10**

**Effect of APS Certification and APS Application.**

An Establishment will be exempt from individually price marking each item offered for purchase only if the Establishment (1) has an APS letter of certification or (2) has a valid, paid application on file and otherwise complies with Rule 2.

**RULE 11**

**Double Check Procedures.**

All APS Establishments must designate an employee at each Establishment's location, who can verify (a) the on-site accuracy of the information entered into an automated APS pricing system; (b) the proper placement of shelf labels; and (c) the proper placement of all other Establishment signage.

**RULE 12**

**Point-Of-Sale Device Requirements.**

All APS must provide visible indication, which can be observed from a "reasonable" customer position, of an item's Price and description (including, if applicable, the item's weight and measure) as the item is scanned.

**RULE 13**

**Receipt Requirements.**

- a. Except as otherwise provided in these rules, every purchase must be documented by a receipt. A copy of the receipt must be offered to the customer.

- b. The receipt must state at a minimum the following information: (1) the date of transaction (formatted Month-Day-Year), (2) the name, the address and the telephone number of the business location, (3) the product's identification, (4) price of the item purchased, (5) the amount of each applicable sales tax, (6) the total amount of the transaction, and (7) if the Establishment carries more than one brand, size, weight, measure or count of a particular item, then the product identification on the receipt must identify the item so that such items can be easily distinguished on the receipt by stating one of the following: The item's brand OR size OR weight OR measure OR count. The UPC Code standing alone will not be sufficient as product identification or to distinguish items. If there is a discount card or preferred card purchase, which is presented to the cashier before checkout begins, then the regular price, followed immediately by the reduction price, must be clearly shown on the receipt.

#### **RULE 14**

##### **Printed Advertisements [See Definition of Printed Advertisements].**

- a. All printed advertisements shall list (1) the brand name (if applicable and not otherwise prohibited by the manufacturer), (2) the name of the item, (3) the price, and (4) the weight OR measure OR size OR count of all items contained in said advertisement.
- b. The Sales Dates of any sale item must be included prominently in all advertising.
- c. All printed advertisements shall be available to the general public in sufficient quantities and conspicuously displayed at one central location at all APS Establishments. Additional copies of such advertisements must be made available upon customer request.

#### **RULE 15**

##### **Shelf Labels.**

- a. A label affixed to, or placed upon, the shelf on which an item is displayed is required for all items offered for sale. Such shelf label(s) must be clearly and legibly hand printed, typewritten or computer-generated and include the following: (1) the brand name, if any; (2) the name of item; (3) if the Establishment carries more than one size, weight, measure or count of a particular item, then the item's weight OR measure OR count OR size; (4) the selling price; and (5) the Unit Price, if applicable, all of which must be set forth in an easily readable format.
- b. In the case of sales items, this shelf label must also include the ending date of the sale, the regular price, and the sale price in no smaller than 10-point bold type. Where sales items are occasionally marked down in price for "clearance" or "until supplies last," then the "ending date" of the sale need not be set forth on the shelf label.

- c. Department Stores need only affix or place a label on a shelf if the items displayed for sale on the shelf are not already individually price-marked. Merchandise offered for sale at a counter that is manned with a sales associate available for immediate assistance is exempt from this rule.

**RULE 16**

**Non-Shelved, End Cap, or Other Display Item Signage.**

- a. A sign no smaller than 5" x 7" is required for item displays not located on shelves. When any question arises as to whether an item is displayed upon a shelf or not, this non-shelved item rule shall be applied.
- b. The same information as required for Shelf Labels must be included on such signs. In addition, the name of the item and its selling price must be no smaller than 1" high bold type. The following information must be in letters or numerals no smaller than ½ " high bold type: the regular price (if a sale item), the item's brand name, if any, and the item's size OR weight OR measure OR count.
- c. Department Stores may have signs for non-shelved items on which the selling price is smaller than 1" high bold type, but in no case shall such signs display a price that is smaller than ¼ " high bold type. Department Stores need only affix or place a label on a non-shelved display if the items displayed for sale are not already individually price-marked. Merchandise offered for sale at a counter that is manned with a sales associate available for immediate assistance is exempt from this rule.
- d. A non-shelved, end cap, or other type of display sign does not require the Unit Price **IF** the item displayed is displayed elsewhere in the store with a shelf label that includes the Unit Price.

**RULE 17**

**Infant Formula.**

Establishments which sell reconstituted infant formula, may disclose on the shelf label or signage the Unit Price per ounce of the formula after water has been added and the formula is ready for consumption, as well as the total amount of ounces that the formula makes after reconstitution.

**RULE 18**

**Items which must Be Individually Price-marked.**

Any pre-packaged item which does not display the UPC symbol or other such symbol capable of being electronically scanned must be individually price-marked.

**RULE 19**                    **Correction of Scanning and Pricing Errors.**

The Establishment must promptly correct all scanning and/or price marking discrepancies upon notification of such discrepancy. Such notification may be made by, but is not limited to, the following: Department of Business Affairs and Consumer Protection, any consumer, or any agent or employee of the Establishment.

**RULE 20**                    **Refunds, Return, Credit Card, Debit Card, and Check-Writing Policies.**

- a. Each APS location must post its refund, return, and check-writing policies in a conspicuous manner on a sign (1) at each cash register and (2) at the customer service desk or other centrally located area accessible to the public. In addition, a written copy of such policies shall be provided to any customer who requests one.
- b. If an Establishment has a credit or debit card policy imposing a minimum charge for use of a credit or debit card, such policy must be posted in a conspicuous manner at the two locations set forth above in subsection a.

**SECTION III.**            **APS – INSPECTION PROCEDURES**

**RULE 21**                    **Inspections Pursuant to Application for Certification or Renewal of Certification.**

When conducting any inspections pursuant to an application for certification or renewal of certification of APS, the Commissioner shall determine whether the Establishment complies with the applicable pricing rules established by the Municipal Code of Chicago and these Rules and Regulations.

**RULE 22**                    **Accuracy Requirement for APS Certification.**

No Establishment will be approved for APS certification unless the Establishment complies with the Rules and Regulations of the Department, the Municipal Code of the City of Chicago, and the Price charged for each item selected during inspection of the location constitutes an Overcharge in no more than four percent (4%) of the total number of items selected.

**RULE 23****APS Certification Inspection — Small Stores.**

- a. In inspecting Small Stores, the Price of each item in a random sample of 25 items selected will be verified by removing the items from the displayed location and taking them to the service counter or other central customer service area of the store where a manager can be called. The manager will then open a register or assign the inspector to a lane for checkout, allowing the store to close the line after the inspector so as not to inconvenience its customers. If a manager is not on duty or can not be located within a reasonable amount of time as determined by the inspector, the inspector will take the chosen items to any checkout location.
- b. If three or more items are charged or scanned incorrectly in the initial sample of 25 items, the Establishment will fail the inspection.
- c. If one or two items are charged or scanned incorrectly, the inspector will then check a second sample of another 25 items and the percentage of total errors found in the entire sample of 50 items will be calculated. If the total percentage of errors exceeds 4% in the total sample of 50 items, the Establishment will fail the inspection.
- d. If no items are charged or scanned incorrectly in the initial sample of 25 items, a second sample of 25 items will not be checked.

**RULE 24****APS Certification Inspection - Large Stores.**

- a. In inspecting Large Stores, the Price of each item in a random sample of 50 items selected will be verified by removing the items from the displayed location and taking them to the service counter or other central customer service area of the store where a manager can be called. The manager will then open a register or assign the inspector to a lane for checkout, allowing the store to close the line after the inspector so as not to inconvenience its customers. If a manager is not on duty or can not be located within a reasonable amount of time as determined by the inspector, the inspector will take the chosen items to any checkout location.
- b. If five or more items are charged or scanned incorrectly in the initial sample of 50 items, the Establishment will fail the inspection.
- c. If two, three or four items are charged or scanned incorrectly, the inspector will then check a second sample of another 50 items and the percentage of total errors found in the entire sample of 100 items will be calculated. If the total percentage of errors exceeds 4% in the total sample of 100 items, the Establishment will fail the inspection.

- d. If one or no items are charged or scanned incorrectly in the initial sample of 50 items, a second sample of 50 items will not need to be checked.

**RULE 25                      Notification of APS Status.**

- a. The Commissioner will promptly issue or deny a system certificate after investigation.
- b. In the event that certification is denied, the Commissioner shall notify the applicant and the applicant's designated agent, if any, in writing of the basis of such denial.
- c. Should a company wish to modify its certified systems, a new application for certification may be directed to the Commissioner with the proposed modification.

**RULE 26                      Operation Without APS Certification.**

Any Establishment that operates using an APS system, but without first applying for APS Certification for each retail location or that fails to obtain APS Certification or loses its APS Certification shall be regarded as a Non-APS-certified Establishment for each location that is not so certified, and such an Establishment must individually price mark every item at that location.

**RULE 27                      Scanning Devices - Equipment.**

Every APS-certified Establishment and Specialty Establishment must notify the Department in writing whenever the Establishment adds additional scanning devices, locations, or equipment such as, but not limited to, self-checkout scanning equipment added after application for certification or significant changes made to current equipment or signage.

**SECTION IV.                APS REVOCATION OF CERTIFICATION; OTHER ACTIONS**

**RULE 28                      Revocation of Certification.**

If the owner, operator, or manager of any Establishment is convicted in the Circuit Court of Cook County or found guilty at an administrative hearing of three or more violations of these rules in any 12-month period, or of other violations relating to Overcharging or false advertising, the Commissioner may revoke the Establishment's APS certification for each applicable location by giving notice to such Person and to the Establishment.

**RULE 29                    Hearing/ Decertification.**

Any Establishment that is subject to decertification shall be notified and given a hearing by the Commissioner, if requested.

**RULE 30                    Additional Remedies.**

Nothing in these Rules and Regulations shall prevent the Commissioner from issuing citations or taking any other legal or administrative action in respect to any violations of the Municipal Code or other Rules and Regulations promulgated by the Commissioner.

**SECTION V.                NON-APS RETAILERS**

**RULE 31                    Retailers Rules and Regulations Requirements.**

- A. A Non-APS Retailer must comply with all Retailers Rules and Regulations, except Rules 1 through 4, 6 through 12, 13, 15, 16, 18, and 21 through 29. In addition, a Non-APS Retailer must individually price-mark all items for sale in the Establishment.

**RULE 32                    Cash Registers and other Non-APS devices**

All Cash Registers and other Non-APS pricing devices on premise must supply a written receipt containing at a minimum the date of the transaction, the amount of the transaction, and the name and location of the Retailer.

**SECTION VI.              CUSTOMER SELF-SERVICE OF BULK FOODS**

**RULE 33                    Bulk Food Labels**

Bulk Food shall be prominently and conspicuously labeled with (1) the common name of the Bulk Food (i.e. bulger wheat, pecans, etc.) AND (2) an expiration date listing the oldest date of the Bulk Food placed in the sale container for consumer self-service.

**RULE 34                    Bulk Food Ingredients**

Where Bulk Food for sale consist of a mixture of ingredients (such as granola or trail mix), the ingredients shall be listed in order of predominance in the mix (by either weight or size, as appropriate).

**RULE 35                      Returned Bulk Food.**

Bulk Food returned to the store by the customer shall be discarded.

**RULE 36                      Containers.**

Labels or package markers shall be available to the customer to identify take-home containers with the common name of the product, unless the product is readily identifiable.

No "personal" containers are to be filled with Bulk Foods.

**RULE 37                      Aggregate Display Containers.**

Store Containers that hold and display Bulk Foods with customer access from the top shall have a depth no greater than 12 inches.

**RULE 38                      Dispensing Methods and Utensils.**

Dispensing utensils shall be provided if the Store Containers are not self-dispensing. Dispensing utensils shall be attached in a manner that prevents the utensil from coming into contact with the floor and shall be of easily cleanable material.

**SECTION VII.              PACKAGING OF POULTRY AND MEATS**

**RULE 39                      Colorless, Transparent Wrapping**

- a. Unprocessed or untreated fresh or frozen meat that is packaged on the premises of the Establishment is to be packaged so that one of the package's sides with the greatest surface area is colorless and transparent, exclusive of labeling. Such labeling shall not occupy more than ten percent of that side of the package, or six and one quarter (6.25) square inches, whichever is greater.

**RULE 40                      Dry Tare Weighing**

- a. Free-flowing liquids are considered a component of the net weight of poultry and meats, and the "dry tare" method shall be used to determine if the weight listed on packaged poultry and meats is consistent with the weight of the product.
- b. Retailers shall provide to the Department at the time of inspection, a sample dry container or packaging for use in determining the dry tare of the poultry or meat offered for sale.



**RULE 41                      Country of Origin Labeling**

Imported meat and poultry products must bear the name of the country of origin, preceded by the words "Product of" on the label in a prominent, legible manner.

**RULE 42                      Grade Labeling**

All meat and poultry originating in the USA and offered for sale must list the U.S. Department of Agriculture grade of the meat or poultry on its packaging when applicable.

**SECTION VIII.        BPA (BISPHENOL A) RULES AND REGULATIONS**

**RULE 43                      Definitions**

**"BPA"** means Bisphenol A, the chemical produced for use primarily in the production of polycarbonate plastic and epoxy resins.

**"BPA Free"** means that the composition of an item does not include BPA.

**"Child Container"** means any bottle, cup, or container, including any corresponding or attached lid or straw of such item, that is specifically designed to be filled with food or liquid for use by a child under the age of three (3).

**RULE 44                      Signage**

a. Any Establishment that sells Child Containers must prominently post a sign notifying consumers that the Child Containers on premises and for sale do not contain BPA.

(i) Establishments must post a sign in every location where Child Containers are displayed.

(ii) If the area or shelf upon which Child Containers are displayed exceeds six feet, a sign must be posted every six feet along the display area OR as necessary to inform consumers that the Child Containers displayed are BPA Free .

b. The sign must be clear and legible such that a consumer may easily read the sign. The sign must be at least eight by ten (8 x 10) inches in size.

- c. The sign must prominently include the words "BPA Free" in font at least 1" high with the remainder of the text on the sign no smaller than ½ " high.

**RULE 45                    BPA Free Policy**

If a retailer has a BPA Free policy of its own, the retailer shall post such policy consistent with Rule 20 of these Rules and Regulations.

**SECTION IX.            PLASTIC BAG AND FILM PLASTIC RECYCLING**

**RULE 46                    Definitions**

**"Plastic Carryout Bag"** means a plastic bag provided by an Establishment that is not reusable.

**"Reusable Carryout Bag"** means a fabric bag or durable plastic bag that is at least 1.15 mils thick and designed for multiple use.

**"Store"** means each separate retail or wholesale location, where twenty-five percent (25%) or more of gross sales include prescription or non-prescription medicines and/or any cooked or uncooked article of food, drink, confection or condiment used for or intended to be used for human consumption off the premises, is stored, sold, prepared, cooked or offered for sale at retail such as candy manufacturers, confectioneries, fish markets, fruit and vegetable markets, grocery stores, convenience stores, meat markets, nut stores, dressed poultry markets or retail bakeries, bakery outlets or any similar place and provides plastic carryout bags to consumers in which to place these products as defined at 7-30-010 of the Municipal Code of the City of Chicago.

**RULE 47                    Recycle Bins**

If a Store offers Plastic Carryout Bags, the Store MUST provide on premises an easily visible and marked Bin for collecting the bags for recycling.

**RULE 48                    Reusable Carryout Bags**

If a Store offers or provides Plastic Carryout Bags, the Store MUST also provide Reusable Carryout Bags for sale for use in lieu of Plastic Carryout Bags.

**RULE 49****Plastic Carryout Bags**

If a Store offers or provides Plastic Carryout Bags, the bags must have the words "PLEASE REUSE OR RECYCLE AT PARTICIPATING STORE" in ½-inch high or larger letters (or similar language that encourages recycling in 1-inch high or larger size using a minimum of ¼-inch letters)

**RULE 50****Annual Report**

Pursuant to 7-30-020(c), each retailer shall maintain an annual report covering the preceding calendar year detailing the total amount of carryout plastic bags and other film plastic weight that it has collected and transported for recycling for the total of its stores in Chicago. The report must list the physical location at which the recycling occurred and the cost to the operator for such efforts. The annual report shall be electronically submitted to the Department of Business Affairs and Consumer Protection no later than the last day of February of the preceding calendar year.

**SECTION X.****PENALTIES****RULE 51 Penalties**

- a. If a retailer is found to have shown a pattern and practice of violations of these rules in any 12-month period, the Commissioner may revoke the Establishment's business license by giving notice to the Establishment.
- b. Penalties shall be as set forth under the applicable Municipal Code of the City of Chicago, specifically 2-25; 4-276; 7-28; and 7-30.

## SECTION XI. FEES FOR INSPECTING AND SEALING

### RULE 52 Fees

The Commissioner shall provide inspection and sealing of weights as measures for the following fees:

For inspecting and sealing scales of the capacity of 24,000 pounds and upwards, each	\$75.00
For inspecting and sealing scales of the capacity of 6,000 pounds up to 24,000 pounds, each	25.00
For inspecting and sealing scales of the capacity of 2,500 pounds up to 6,000 pounds, each	25.00
For inspecting and sealing scales of a capacity up to 2,500 pounds, each	25.00
For inspecting and sealing hopper scales of the capacity of 0 to 500 pounds, each	N/A
For inspecting and sealing hopper scales of the capacity of 501 pounds to 2,000 pounds, each	N/A
For inspecting and sealing hopper scales of the capacity of 2,001 pounds to 10,000 pounds, each	N/A
For inspecting and sealing hopper scales of the capacity of 10,001 pounds and upwards, each	N/A
For inspecting and sealing two-bushel, one-bushel and half-bushel measures, each	N/A
For inspecting and sealing any other dry measure, each	N/A
For inspecting and sealing every automatic weighing machine or other similar device of a capacity of less than three tons, used for weighing, each	N/A
For inspecting and sealing liquids measures of a capacity up to and including five gallons, each	N/A
For inspecting and sealing liquids measures of a capacity over five gallons, for each five-gallon capacity or part thereof	N/A
For inspecting and sealing any automatic machine used for measuring liquids, each unit	N/A
For inspecting and sealing yard measures, each	N/A
For inspecting and sealing any linear measure, for each three feet	N/A
For inspecting and sealing any tape line exceeding 50 feet in length, each	N/A
For inspecting and sealing any automatic machine used for lineal measuring, each	N/A
For inspecting and sealing any automatic pump used for measuring gasoline, oils, etc., each	41.00
For measuring a quantity of coal or wood and issuing a certificate of approximate measure or weight of same	N/A
For weighing or measuring any other commodity and issuing a certificate of weight or measure, at the rate per hour of	N/A
For inspecting and sealing gasoline and fuel oil tank trucks, wagons or trailers of a capacity of 1,000 gallons or less, each	N/A
For inspecting and sealing gasoline and fuel oil tank trucks, wagons or trailers of a capacity of over 1,000 gallons, for each 500-gallon capacity or part thereof	N/A
For inspecting and sealing any meter used for measuring gasoline, oils, etc., each	41.00

A Re-inspection fee of \$100.00 per site (not device) shall be charged in addition to the above fees (per device) if any inspected or tested device is condemned or rejected, and the department must return to the site to seal the weighing or measuring device.

### RULE 53 Calculation of Fees

Pursuant to 4-276-020(b), the methodology for calculating the City's Reasonable Cost Of Administration shall consist of the following cost components:

- a. Personnel costs of all staff engaged in inspecting and sealing (investigative, administrative, supervisory and management staff), including the benefit costs

associated with such personnel; plus

- b. Annual supply costs, including but not limited to, the purchase of seals; plus
- c. Amortized equipment costs, including but not limited to, equipment required to measure and test accuracy of devices; plus
- d. Travel costs related to inspecting and sealing.

The procedure to determine the City's reasonable costs will include the actual dollar amount attributed to each of the above factors.

If at any time the city's Reasonable Costs of Administration exceed the sum total of inspection fees collected pursuant to Rule 51 (Fees), the Commissioner may increase the fees to make the Inspection and Sealing of weights and measures self-funding.

## **SECTION XII. INVASIVE SPECIES REGULATION**

### **RULE 54 Invasive Species list**

Pursuant to 11-4-3010, the Commissioner shall keep and update a list of regulated invasive species. Said list is APPENDIX A of the Retailer Rules and Regulations.

### **RULE 55 Regulations**

It shall be unlawful to import, sell, transport, own, keep or otherwise possess any live or viable regulated invasive species, as listed in APPENDIX A, within the city of Chicago.

## APPENDIX A. LIST OF INVASIVE SPECIES

In accordance with Section 11-4-3010 of the Municipal Code of Chicago (the "Code"), the following plants and animals are hereby listed as regulated invasive species:

**(a) Regulated animal species, as that term is defined by Section 11-4-3000(e) of the Code, shall include any of the following:**

*Hypophthalmichthys nobilis* (Bighead carp);

*Neogobius fluviatilis* (Monkey goby);

*Perca fluviatilis* (European perch);

*Phoxinus phoxinus* (Eurasian minnow);

*Anodonta woodiana*;

*Xenopus laevis* (African clawed frog);

*Cipangopaludina chinensis* (Chinese mystcrystnail);

*Misgurnus anguillicaudatus* (Oriental weatherloach);

All species from the genera *Channa* and *Parachanna*, from the family *Channidae* (Snakehead);

*Mylopharyngodon piceus* (Black carp);

*Hypophthalmichthys molitrix* (Silver carp);

**(b) Live transport species, as that term is defined by Section 11-4-3000(c) of the Code, shall include any of the following:**

*Ctenopharyngodon idella* (Grass carp/White amur);

*Orconectes rusticus* (Rusty crayfish).

**(c) Regulated plant species, as that term is defined by Section 11-4-3000(1) of the Code, shall include any of the following:**

*Trapa natans* (Water chestnut);

*Egeria densa* (Brazilian elodea);

*Ranunculus lingua* (Greater spearwort);

**(c) Regulated plant species, continued:**

Houttuynia cordata (Chameleon);  
Myriophyllum aquaticum (Parrot Feather watermilfoil);  
Hydrilla verticillata (Hydrilla or water thyme);  
Eichhornia crassipes (Water hyacinth);  
Ipomoea aquatica (Water spinach);  
Myriophyllum spicatum (Eurasian watermilfoil);  
Hydrocharis morsus-ranae (European frog-bit);  
Butomus umbellatus (Flowering rush).

**(d) Regulated plant species, as that term is defined by Section 11-4-3000(f) of the Code, shall also include any of the following, unless a person provides written evidence, such as a scientific publication, to demonstrate that the horticultural selection of the plant has been proven by the scientific community to be functionally sterile.**

Akebia quinata (Chocolate vine);  
Ampelopsis brevipedunculata (Elegans porcelain berry vine);  
Anthriscus sylvestris (Wild chervil);  
Celastrus orbiculatus (Oriental bittersweet);  
Humulus japonicus (Japanese hops);  
Leymus arenarius (Lyme grass);  
Ligustrum spp. (Privet);  
Miscanthus sacchariflorus (Amur silver grass);  
Paulownia tomentosa (Princess tree);  
Phellodendron amurense (Amur corktree);  
Phellodendron japonica (Japanese corktree);  
Polygonum cuspidatum (Japanese knotweed);  
Quercus acutissima (Sawtooth oak);

**(d) Regulated plant species, continued:**

Ranunculus ficaria (Lesser celandine).

Regulation of Listed Species. The regulated animal species, live transport species, and regulated plant species listed above shall be regulated by the Department and the Department of Animal Care and Control in the manner specified by Sections 11-4-3020 and 11-4-3030 of the Code.