

ARTICLE XXII. INVASIVE SPECIES CONTROL

11-4-3000 Definitions.

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

- (a) “Business” shall have the meaning ascribed to it in Section 7-32-030 of this Code.
- (b) “Ecosystem” means any living or non living organisms interacting as a unit wholly or partly within or adjoining the territorial boundaries of the City of Chicago.
- (c) “Live transport species” means any species of aquatic or terrestrial life which may be transported live but which shall not be sold live and which are listed as a live transport species by the commissioner pursuant to rules and regulations promulgated by the commissioner.
- (d) “Regulated invasive species” means any species of aquatic or terrestrial life listed as a regulated species by the commissioner pursuant to rules and regulations promulgated by the commissioner, including but not limited to, any snakehead fish (any walking catfish of the clariidae family), any live grass carp/ white amur (ctenopharyngodon idella), any bighead carp (hypophthalmichthys nobilis), any silver carp (hypophthalmichthys molitrix), or any black carp (mylopharyngodon piceus).
- (e) “Regulated animal species” means any animal that is a regulated invasive species.
- (f) “Regulated plant species” means any plant or viable plant material from a regulated invasive species.
- (g) “Retailer” means any person engaged in the business of distributing, supplying, furnishing, or selling of good or services to a person for use or consumption.
- (h) “Viable plant material” means any portion of a plant capable of reproduction, including but not limited to, any seeds, fragments, roots, flowers, or whole plants.

11-4-3010 List of regulated invasive species.

The commissioner shall keep and update as necessary a list of regulated invasive species. Such list shall be based upon, but not limited to, the following: (1) the economic impact of introducing this species into the ecosystem; (2) the hazards that this species present to the wildlife and wildlife resources of the city; (3) diseases and parasites associated with this species; and (4) any food or commercial value of this species. Except in an emergency as determined by the commissioner, the commissioner shall provide a reasonable period of public notice before updating the list to add one or more regulated animal or plant species. Such list shall be published as provided in subsection 2-30-030(12) of this Code.

11-4-3020 Regulated invasive species.

- (a) It shall be unlawful for any person to do the following:
 - (1) Import, sell, transport, own, keep or otherwise possess any live or viable regulated animal species within the city; or

- (2) Import, sell, transport, own, keep or otherwise possess any live regulated plant species or any viable plant material from a regulated plant species within the city; or
 - (3) Release or introduce into the environment anywhere within the city any live regulated invasive species or viable plant material from a regulated plant species.
- (b) The provisions of this subsection shall not apply to the following:
- (1) Any person who imports, transports, carries, owns, keeps or otherwise possesses any regulated invasive species for zoological, educational, medical or scientific purposes if the person has obtained all applicable licenses or permits required by law, and the person makes such licenses or permits available for inspection by the commissioner; or
 - (2) Any business that imports, transports, carries, owns, keeps or otherwise possesses any live transport species for the sale or transfer of any such live transport species to any retailer; provided that the business has obtained all applicable licenses and permits required by law; or
 - (3) Any retailer that owns, keeps or otherwise possesses any live transport species for the retail sale or transfer of any such live transport species to a consumer; provided that the retailer purchased the live transport species from a business in compliance with subsection (b)(2) of this section, and kills the live transport species before the species is sold or provided to the consumer.

11-4-3030 Enforcement.

(a) The commissioner or the executive director of animal care and control is authorized to enforce the provisions of this article. The commissioner is authorized to adopt such rules and regulations as he or she may deem appropriate for the proper administration and enforcement of the provisions of this article. Any such rules and regulations shall be published as provided in subsection 2-30-030(12) of this Code.

(b) Violation of any portion of this article shall constitute a public nuisance. In addition to any fine or penalty, an amount up to three times the cost or expense incurred by the city in abating a nuisance may be recovered in an appropriate action instituted by the corporation counsel, or in a proceeding initiated by the department of the environment or the commission on animal care and control at the department of administrative hearings. Nothing in this section shall be construed to prevent the city from acting without notice to abate a nuisance in an emergency where the nuisance poses an immediate threat to public health or safety or to the environment.

(c) Any owner or manager or licensee of a business licensed in the city of Chicago who violates any provision of this article while doing business in the city of Chicago shall be fined not less than One Thousand Five Hundred and no/100 Dollars (\$1,500.00) nor more than Three Thousand and no/100 Dollars (\$3,000.00) for each offense. Any person who violates any provision of this article shall be fined not less than One Hundred and no/100 Dollars (\$100.00) nor more than Five Hundred and no/100

Dollars (\$500.00) for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(d) In addition to any other remedies, penalties or means of enforcement, the commissioner or the executive director of animal care and control may request the department of law to make application on behalf of the city to any court of competent jurisdiction for an injunction requiring compliance with this article or for such other order as the court may deem necessary or appropriate to secure such compliance.