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# CITY OF CHICAGO

## RULES

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### CHICAGO RETAILER'S RULES



Mayor Brandon Johnson

Commissioner Kenneth Meyer

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUSINESS AFFAIRS AND  
CONSUMER PROTECTION PURSUANT TO CHAPTERS 2-25, 4-276, 7-28-637 AND 7-30 OF  
THE MUNICIPAL CODE OF CHICAGO, I ISSUE THE FOLLOWING RULES REGARDING  
RETAILERS.

By Order of the Commissioner:

Signed: \_\_\_\_\_

Date:

Kenneth J. Meyer  
Commissioner

Published:  
Effective:

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## DEFINITIONS

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

**“Alternative Price System” or “APS”** means a system designed to inform consumers of the actual purchase price of an item.

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

**“Consumer”** means any individual who purchases or contracts for the purchase of merchandise or prepared food not for the resale in the ordinary course of trade or business but for personal use. Consumers include restaurant patrons.

**“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 an item, the consumer buys more. On the other hand, a plastic hairbrush 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;
- (4) Non-prescription drugs and personal care items, the latter of which includes female hygiene products, bandages, and toiletries;
- (5) Household products, including light bulbs, batteries, camera supplies, candles, tape, and adhesives.

Consumer commodities do **not** include:

- (1) Unpackaged fresh produce;
- (2) Individual items under three cubic inches in size;
- (3) Individual items weighing less than three ounces;
- (4) Individual items priced under fifty cents; and
- (5) Prepared food and beverages (including liquor), intended for human consumption and which are prepared at or consumed at a “restaurant” as defined in these rules.

**“Department”** means the Department of Business Affairs and Consumer Protection.

**“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 establishment.

**“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.

**“Food vendor”**-means any establishment required to be licensed by the Department whose sales of prepared food to order, or alcohol sold by the drink, or a combination of both make up at least 90% of its annual sales. Food vendors include but are not limited to restaurants, bars/taverns, catering vehicles, and mobile-food dispensers.

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

**“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, such as weekly mailed flyers or hand-distributed sales flyers. It does not include in-establishment signage or in-establishment sales signs.

**“Retailer”** means any establishment required to be licensed by the Department which offers goods for sale with the exception of any retail food establishment whose sales of food prepared to order, or alcohol sold by the drink, or a combination of both 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.

**“Service fee”** and **“surcharge”** mean fees collected to pay for services related to the purchase of prepared food and beverages at a food vendor. The charge is typically added at the time of the transaction. These charges may cover services rendered to a consumer, or they may cover administrative or processing costs of a food vendor.

**“Small stores”** means establishments with one or two registers.

**“Specialty establishment”** means an establishment designated by the Commissioner at which annual in-person establishment sales of *consumer commodities* are 10% or less of the establishment’s total annual sales.

**“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 or more individual packages or units of consumer commodities or 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-establishment. 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.

## **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 at the time of obtaining or renewing its business license. Each application must include samples of all the following: the establishment's sales signs, shelf tags, receipts, return policies, check, debit card, and credit card policies, and media advertisements.
- b. Any establishment that is APS-certified under these rules must apply for certification of any new or additional location.

### **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 corrected 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 these rules.

### **RULE 3 Approval of Application for APS Certification.**

- a. If the Commissioner approves an APS application, a letter of certification will be issued for a period of four 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 if the same unit is used with all consumer commodities of the same type to ensure uniformity.*** Example: 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 iced tea mix packages would be unit priced using the same unit of measure as other powdered iced tea mix packages, but not necessarily using the same unit as ready-to-drink iced tea sold in a bottle. The foregoing is only an example to illustrate the concept behind the rule, which is that items that compete 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 depending upon an establishment's individual situation.

**RULE 8            Renewal of Certification.**

Each APS certification must be renewed every four 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 period specified by the Department. Nothing in these Rules, 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 shall be remitted to the Department within 30 days of notification of the amount of fees due. A fee is required for every re-inspection necessary due to the failure or late re-scheduling of an applicant's initial APS certification inspection. 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 establishments must display an item's price and description (including, if applicable, the item's weight and measure) so that the customer may see it 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 establishment; (3) the product's description; (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 description 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.
- c. The receipt can be offered via paper or electronic methods. Examples of acceptable electronic receipt delivery methods are e-mail, text message, or a smartphone application.

**RULE 14      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. Unless an exception applies, all items offered for sale placed on a shelf must have a shelf label that displays information about the item including: (1) name of the product; (2) the brand name, if any; (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. Such shelf labels must be clearly and legibly hand printed, typewritten, computer-generated, or displayed on an electronic screen.

- 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 "while 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 both individual price marking and shelf tag labels.
- d. APS establishments offering non-consumer commodity merchandise behind a counter and not accessible to consumers can display a list of products and their prices in lieu of individual shelf tag labels. Such a sign must be clearly and legibly hand printed, typewritten, computer-generated, or displayed on an electronic screen and include the following: the name of the item, and the selling price.

**RULE 16 Non-Shelved 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 apply.
- b. The same information as required for shelf labels, Rule 15a., 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 non-shelved item signage requirements.

**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 discrepancies, price marking discrepancies, or both upon notification of such discrepancy. Such notification may be made by, but is not limited to, the following: Department, 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 establishment 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 of this rule.

**SECTION III.      APS – INSPECTION PROCEDURES**

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

- a. 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 requirements established by the Municipal Code of Chicago and these rules.
- b. An establishment must apply to the Commissioner by letter requesting that it be designated a specialty establishment under these rules 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.***

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

No establishment will be approved for APS certification unless the establishment complies with the rules of the Department, the Municipal Code of Chicago, and no more than four percent of the total number of items selected during inspection result in a price overcharge.

**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 establishment where a manager can be called. The manager will then open a register or assign the inspector to a lane for checkout, allowing the establishment to close the line after the inspector so as not to inconvenience its customers. If a manager is not on duty or cannot 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 four percent of 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 establishment where a manager can be called. The manager will then open a register or assign the inspector to a lane for checkout, allowing the establishment to close the line after the inspector so as not to inconvenience its customers. If a manager is not on duty or cannot 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 four percent of 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 business 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, 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, and such an establishment must individually price mark every item.

**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.**

The Commissioner, for good and sufficient cause, may revoke an establishment's APS certification if during any 12-month period the licensee admitted liability or was found liable in judicial or administrative proceedings of committing three or more violations of these rules or of any other Municipal Code of Chicago violations relating to overcharging or false or deceptive advertising.

**RULE 29            Hearing / Decertification.**

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

**RULE 30            Additional Remedies.**

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

**SECTION V. NON-APS RETAILERS**

**RULE 31            Retailers Rules Requirements.**

- A. A non-APS retailer must comply with all of these Chicago Retailer's Rules, except for Rules 1 through 4, 6 through 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 on-premises devices must supply a written itemized receipt containing at a minimum the date of the transaction, the amount of the transaction, and the name and location of the retailer.

The receipt can be offered via paper or electronic methods. Examples of acceptable electronic receipt delivery methods are e-mail, text message, or a smartphone application.

**SECTION VI. 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 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 VII. BPA RULES**

### **Definitions.**

**“BPA Free”** means that the composition of an item does not include Bisphenol A, as defined by Section 7-28-637(a) of the Municipal Code of Chicago.

### **RULE 44 Signage.**

a. Any establishment that sells containers, as defined by Section 7-28-637(a) of the Municipal Code of Chicago, 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 containers are displayed.

(ii) If the area or shelf upon which 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 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.

## **SECTION VIII. PENALTIES**

### **RULE 50 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 Chicago, specifically Chapters 2-25; 4-276; 7-28; and 7-30.

## **SECTION IX. FEES FOR INSPECTING AND SEALING**

### **RULE 51 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  | 15.00   |
| For inspecting and sealing scales of the capacity of 2,500 pounds up to 6,000 pounds, each   | 10.00   |
| For inspecting and sealing scales of a capacity up to 2,500 pounds, each   | 5.00    |
| For inspecting and sealing hopper scales of the capacity of 0 to 500 pounds, each  | 6.00    |
| For inspecting and sealing hopper scales of the capacity of 501 pounds to 2,000 pounds, each   | 14.00   |
| For inspecting and sealing hopper scales of the capacity of 2,001 pounds to 10,000 pounds, each  | 34.00   |
| For inspecting and sealing hopper scales of the capacity of 10,001 pounds and upwards, each  | 75.00   |
| For inspecting and sealing two-bushel, one-bushel and half-bushel measures, each   | 1.50    |
| For inspecting and sealing any other dry measure, each   | 1.50    |
| For inspecting and sealing every automatic weighing machine<br>or other similar device of a capacity of less than three tons, used for weighing, each                  | 5.00    |
| For inspecting and sealing liquids measures of a capacity up to and including five gallons, each   | 2.00    |
| For inspecting and sealing liquids measures of a capacity over five gallons,<br>for each five-gallon capacity or part thereof  | 5.00    |
| For inspecting and sealing any automatic machine used for measuring liquids, each unit   | 5.00    |
| For inspecting and sealing yard measures, each   | 2.00    |
| For inspecting and sealing any linear measure, for each three feet   | 2.00    |
| For inspecting and sealing any tape line exceeding 50 feet in length, each   | 5.00    |
| For inspecting and sealing any automatic machine used for lineal measuring, each   | 5.00    |
| For inspecting and sealing any automatic pump used for measuring gasoline, oils, etc., each  | 7.00    |
| For measuring a quantity of coal or wood and<br>issuing a certificate of approximate measure or weight of same   | 14.00   |
| For weighing or measuring any other commodity and issuing a certificate of weight or measure,<br>at the rate per hour of   | 20.00   |
| For inspecting and sealing gasoline and fuel oil tank trucks,<br>wagons or trailers of a capacity of 1,000 gallons or less, each                                       | 34.00   |
| For inspecting and sealing gasoline and fuel oil tank trucks, wagons, or trailers<br>of a capacity of over 1,000 gallons, for each 500-gallon capacity or part thereof | 14.00   |
| For inspecting and sealing any meter used for measuring gasoline, oils, etc., each   | 34.00   |

### **RULE 52 Calculation of Fees**

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

- 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
- Annual supply costs, including but not limited to, the purchase of seals; plus
- Amortized equipment costs, including but not limited to, equipment required to measure and test accuracy of devices; plus
- 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 X            FOOD VENDOR REQUIREMENTS**

### **Rule 53            Disclosure of Food vendor Prices, Service Fees, and Surcharges.**

Item prices, service fees and surcharges collected by a food vendor must be clearly and prominently displayed at the beginning of the ordering or sales process.

Examples of service fees and surcharges include, but are not limited to, fees added to a bill which the food vendor may use for its own purposes, such as compensation for staff (salaries, fringe benefits); operational costs (costs of food preparation, real estate related costs, training costs); payment processing (spilt bill charge, credit card processing); facilitating large groups (dining parties of a specific size); and service (dine-in fees, delivery fees, take-out fees).

Service fees and surcharges collected by a food vendor must be displayed on all advertising mediums that contain pricing information used by a consumer prior to engaging in a transaction. Examples include, but are not limited to, paper menus, online menus (including QR code generated menus), free standing signage within a restaurant, mobile applications, websites through which payment can be made.

### **Rule 54            Intended use of Food vendor Services Fees and Surcharges.**

Wherever service fees and surcharges are listed, their intended use shall also be listed and described.

Food vendors must explain service fees, surcharges, and their purpose at the request of a consumer.

Food vendors must indicate what percentage if any of a service fee or surcharge is mandatory.

Food vendors must indicate what percentage of any service fee or surcharge will be paid to employees in general or specifically waitstaff.

### **Rule 55            Food vendor Receipt Requirements.**

A food vendor must supply a written itemized receipt containing at a minimum the date of the transaction, the amount of the transaction, any fees or surcharges, any applicable taxes and the name and location of the food vendor.

The receipt can be offered via paper or electronic methods. Examples of acceptable electronic receipt delivery methods are e-mail, text message, or a smartphone application.

**Rule 56**

**Food vendor Price Marking.**

Food vendors that contain minimal “to-go” sections of pre-packaged food or non-consumer commodity merchandise are exempt from individually price marking items offered for sale. In lieu of price-marking, they can display a list of products and their prices. Such a sign must be clearly and legibly hand printed, typewritten, computer-generated or displayed on an electronic screen and include the following: the name of the item and the selling price of the item.

DRAFT OF PROPOSED RULES