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## Municipal Code of Chicago

### **2-25-090 Prohibited acts – Consumer fraud, unfair competition or deceptive practices – Duty to enforce.**

(a) No person shall engage in any act of consumer fraud, unfair method of competition, or deceptive practice while conducting any trade or business in the city. Any conduct constituting an unlawful practice under the Illinois Consumer Fraud and Deceptive Business Practices Act, as now or hereafter amended, or constituting a violation of Section 7-4-040, Section 7-4-060 or any section of this Code relating to business operations or consumer protection, shall be a violation of this section. In construing this section, consideration shall be given to court interpretations relating to the Illinois Consumer Fraud and Deceptive Business Practices Act, as amended. In construing this section, consideration shall also be given to the interpretations of the Federal Trade Commission and the federal courts relating to Section 5(a) of the Federal Trade Commission Act, 15 U.S.C.A., Section 45. Nothing in this section shall be construed as permitting the regulation of any business to the extent that such regulation is not permitted under the statutory or home rule powers of the city.

(b) The commissioner shall be charged with enforcement of this section and shall construe this section in accordance with the requirements set forth in subsection (a) of this section.

(c) Compliance with applicable rules and regulations promulgated pursuant to the Consumer Fraud and Deceptive Business Practices Act and with court interpretations relating to such Act shall be an absolute defense to a finding of a violation of this section. Compliance with applicable Federal Trade Commission rules, regulations and guidelines, and with interpretations by the Federal Trade Commission and the federal courts relating to Section 5(a) of the Federal Trade Commission Act, 15 U.S.C.A. Section 45, shall be an absolute defense to a finding of a violation of this section.

(d) If it appears to the commissioner, after receiving a written complaint or otherwise, that a person has engaged in, is engaging in or is about to engage in a practice that is in violation of this section, the commissioner may, after serving a 30-day notice:

(1) require such person to file, on such terms as the commissioner may prescribe, a written statement or report setting forth all relevant and material information pertaining to the allegation(s) set forth in any complaint;

(2) examine any person in connection with relevant and material issues concerning the conduct of any trade or business;

(3) examine any merchandise or sample thereof, or any record, book, document, account or paper relevant and material to such inquiry; and

(4) retain, in the commissioner's possession, copies of any record, book, document, account, paper or sample of merchandise that is produced in accordance with this section until the completion of all proceedings in connection with which such copy or copies are produced.

(e) If, after completing an investigation pursuant to this section, the commissioner determines that a person has engaged in, is engaging in, or is about to engage in a practice prohibited by this section, the commissioner may:

(1) order such person to discontinue the prohibited practice;

(2) order such person to pay restitution to persons aggrieved by the practice;

(3) request that the mayor take action under Section 4-4-280 of this Code to revoke or suspend such person's license;

(4) request the corporation counsel to bring an action for injunctive relief or such other equitable relief that the commissioner deems to be appropriate.

(f) Except as otherwise provided in this chapter, and in addition to any other penalty provided by law, any person who violates any of the requirements of this section shall be subject to a fine of not less than \$2,000.00 nor more than \$10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(g) Prosecution of a violation of this section does not preempt the city from prosecution under any other ordinance that the Commissioner is authorized to enforce.

(Added Coun. J. 11-19-08, p. 47220, Art. V, § 1; Amend Coun. J. 5-9-12, p. 27485, § 4)