

**City of Chicago
Department of Streets and Sanitation
Department of Environment
Department of Buildings**

**Section 13-32-125 Construction Site Cleanliness
Rules and Regulations**

Whereas, pursuant to authority granted in sections 13-32-125(3), 2-22-040, and 2-30-030 of the Municipal Code of Chicago ("Code"), Chicago Department of Streets and Sanitation, Chicago Department of Environment and Chicago Department of Buildings, are given the authority to adopt regulations necessary or proper to accomplish the purposes of section 13-32-125 of the Code;

Now, therefore, Michael J. Picardi, Commissioner, Chicago Department of Streets and Sanitation, Suzanne Malec-McKenna, Commissioner, Chicago Department of Environment and Richard J. Monocchio, Acting Commissioner, Chicago Department of Buildings issue the following rules and regulations.

1.0 Scope and Purpose.

The purpose of these rules and regulations is to provide guidance with regard to the issuance of ten-day stop work orders ("10D SWO"s) issued pursuant to section 13-32-125 of the Code.

2.0 Definitions.

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms for these regulations shall be the same as that applied to the same words or terms in section 13-32-125 of the Code.

"Business day" shall mean a week day that is not a holiday recognized by the City of Chicago.

"Department" shall mean Chicago Department of Streets and Sanitation, Chicago Department of Environment or Chicago Department of Buildings.

"Responsible Party" shall mean owner or agent of the owner as listed on the building permit for the construction site in question. If no current or applicable building permit exists, then the Responsible Party is the owner of the construction site.

3.0 Notice of Intent to Stop Work. Pursuant to Section 13-32-125(4) of the Code, one or more citations for violation of any of the provisions of Section 13-32-125 of the Code on each of three or more separate days within a three month period at the same construction site may subject the responsible party to a 10D SWO. Any further citation for violation at the same construction site within six months after the initial stop work order may result in the issuance of another 10-day stop work order. Prior to issuing a 10D SWO under section 13-32-125 of the Code, a Department shall serve a written Notice of Intent to Stop Work. Service of such notice of intent shall be in accordance with Section 7.0 of these regulations.

4.0 Request for Pre-Stop-Work Meeting ("PSWM"). Upon receiving a Notice of Intent to Stop Work from any Department, the Responsible Party may request a PSWM by submitting a request that complies with each of the following requirements within the time period specified in this section:

- 4.1 PSWM Forms. The written request for a meeting must be made on the PSWM Form. The PSWM Forms shall be available from Department of Streets and Sanitation at 121 North LaSalle, Room 704, Chicago, Illinois or at the following website: <http://www.cityofchicago.org/streets>.
- 4.2 PSWM Forms – Requirements. The PSWM Form must be completed by the Responsible Party or by an authorized agent and must be completed in full.
- 4.3 PSWM Forms – Where to submit. The completed PSWM Form must be submitted to Department of Streets and Sanitation, regardless of whether the Notice of Intent to Stop Work was issued by Department of Streets and Sanitation or by any other Department, and must be submitted by fax or hand delivery to the following fax number/address: (312) 745-2009 to the attention of Construction Site Cleanliness Meeting/121 North LaSalle Street, Room 704, Chicago, Illinois. Hand deliveries will only be accepted on business days between the hours of 9 am to 4 pm.
- 4.4 Time to request a PSWM. The Responsible Party shall have two (2) business days from the time a Notice of Intent to Stop Work is served to request a meeting. The day the Notice of Intent to Stop Work is received is not counted as the first business day.
- 4.5 Invalid and void meeting requests. Any request for a meeting that fails to meet any of these requirements will be invalid and void.
- 4.6 Failure to submit a valid request. If a valid request for a meeting is not submitted within the time period established in Section 4.4 of these regulations, the Department of Streets and Sanitation may issue a 10D SWO.

5.0 **Meetings.**

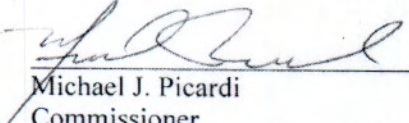
Department of Streets and Sanitation shall be responsible for conducting PSWMs, regardless of whether the Notice of Intent to Stop Work was issued by Department of Streets and Sanitation or by any other Department.


- 5.1 Meeting – City representation and time to convene. At least two (2) Department of Streets and Sanitation representatives appointed by the Commissioner of Department of Streets and Sanitation shall convene a PSWM within two (2) business days of receiving a valid written request for a PSWM, unless both Department of Streets and Sanitation and the Responsible Party agree in writing to hold the meeting on a later date. The day a valid written request for a PSWM is received by Department of Streets and Sanitation shall not be considered the first business day.
- 5.2 Notice of meeting. Department of Streets and Sanitation shall give the Responsible Party one (1) business day's notice of the date, time and location of any PSWM by using the contact information the Responsible Party provided on its PSWM Form, or in accordance with the provisions found in Section 7.0 of these regulations. The day Department of Streets and Sanitation provides the Responsible Party with notice of the meeting shall not be considered a business day.
- 5.3 Record of meeting. The Department of Streets and Sanitation representatives may record the PSWM by tape recording or other appropriate means.
- 5.4 Department presentation. At the meeting, any Department may present information including but not limited to photos, inspector's oral presentation, inspection reports, and notice of violations that document whether or not the subject construction site is in substantial compliance with section 13-32-125 of the Code.
- 5.5 Responsible Party's presentation. At the meeting, the Responsible Party shall have the opportunity to present information on the construction site's condition including documents and an oral presentation demonstrating that the Responsible Party has brought the subject construction site into substantial compliance with section 13-32-125 of the Code.

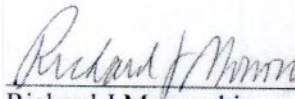
- 5.6 The Responsible Party shall have all of his/her documents and persons to provide information available and at the meeting.
- 5.6.01 Department of Streets and Sanitation representatives shall have the discretion to limit presentations from anyone at the meeting to a reasonable amount of time or a reasonable number of documents.
- 5.6.02 Department of Streets and Sanitation representatives shall have the authority to exclude cumulative evidence.
- 5.7 10D SWO not issued. If Department of Streets and Sanitation representatives find that the construction site is in substantial compliance with section 13-32-125 of the Code at the time of the meeting, then at the conclusion of the meeting Department of Streets and Sanitation representatives may issue a written order so stating, and no 10D SWO may be issued.
- 5.8 10D SWO issued. If at the conclusion of the meeting, Department of Streets and Sanitation representatives find that the construction site is not in substantial compliance with section 13-32-125 of the Code, then Department of Streets and Sanitation may issue a 10D SWO.
- 5.9 Site visit. In connection with and as part of the meeting, Department of Streets and Sanitation or the other Departments may conduct a site inspection to determine whether the construction site is in substantial compliance with section 13-32-125 of the Code before issuing any order.
- 5.10 Failure to appear. If the Responsible Party does not appear for the meeting at the appointed time, then Department of Streets and Sanitation may issue a 10D SWO without further delay.
- 6.0 **Content of 10D SWO.** A 10D SWO shall include the following information:
- 6.1 nature of the violation;
- 6.2 identity of the Responsible Party;
- 6.3 location of the property or construction site;
- 6.4 when the 10D SWO is issued; and
- 6.5 when the 10D SWO expires.
- 7.0 **Service of Notice of Intent to Stop Work and 10D SWO.** A Notice of Intent to Stop Work and 10D SWO shall be served upon the Responsible Party:
- 7.1 by overnight carrier at the Responsible Party's residence address or at the address of the Responsible Party as contained on the building permit for the construction site or, if the Responsible Party is a business entity, at any address identified for its registered agent or at its principal place of business; or
- 7.2 by personal service, including personal service upon an employee or agent of the Responsible Party at the construction site or other place of business of the subject or the address of the Responsible Party as contained on the building permit for the construction site or otherwise if such service is reasonably calculated to give the Responsible Party actual notice; or
- 7.3 by facsimile or electronic mail to the Responsible Party's known facsimile or electronic mail address; or
- 7.4 if service cannot be made by either of 7.1 through 7.3 above, by posting a copy of the notice on the front entrance of the construction site or in a prominent place upon the construction site.
- 7.5 Upon issuance and service of a 10D SWO in accordance with one of the above sections, the Department of Streets and Sanitation shall transmit by facsimile a copy of a DOB Stop Work Order Form to the Chief Construction Inspector at the Department of Buildings. DSS will include on the form the date the 10D SWO begins and automatically ends. DOB will enter the 10D SWO into its computer systems for tracking purposes.

- 8.0 **Stop-Work Notice - Posted.** Upon issuing a 10D SWO, the Department of Streets and Sanitation may post, at or near the entrance to the construction site, notice in the form of signs and stickers indicating that work at the construction site has been ordered stopped due to violations of section 13-32-125 of the Code.
- 8.1 Such signage shall be of sufficient size and visibility to serve as notice to the public, to persons at or entering the construction site, and to other city departments that a 10D SWO is in effect.
- 8.2 The Responsible Party may remove such signage only after one of the following has occurred:
- 8.2.01 the Responsible Party receives a completed "Ten-Day Stop Work Order Lifted" form issued by Department of Streets and Sanitation pursuant to Section 9.0; or
 - 8.2.02 the end of the tenth day after the issuance of the 10D SWO has passed (unless another 10D SWO is issued on or by the tenth day).
- 9.0 **Lifting 10D SWO.** Department of Streets and Sanitation shall lift a 10D SWO prior to its expiration, only if the Responsible Party has demonstrated that the construction site is in substantial compliance with section 13-32-125 of the Code.
- 9.1 When a 10D SWO is lifted or expires, Department of Streets and Sanitation shall transmit by facsimile a copy of a DOB Stop Work Order Release Form to the Chief Construction Inspector at the Department of Buildings. Upon notification, DOB will remove the 10D SWO from its computer systems.
- 10.0 **Emergency Situations.** Should a construction site present an imminent and substantial threat to the public health and safety, Department of Streets and Sanitation has the authority, regardless of these rules and regulations, to issue an immediate 10D SWO. In such cases, the Responsible Party may request a meeting on the 10D SWO within one (1) business day. The meeting will be conducted within two (2) business days, unless both Department of Streets and Sanitation and the person requesting the meeting agree in writing to hold the meeting on a later date. The meeting shall be conducted in the manner described above. Notification of the issuance of the order shall be made as described in section 7.5.

I, Michael J. Picardi, Suzanne Malec-McKenna and Richard J Monocchio, hereby promulgate the forgoing rules and regulations on this 20 day of June, 2008 for the issuance of 10D SWOs under the Construction Site Cleanliness Ordinance, section 13-32-125 of the Code.


Michael J. Picardi
Commissioner
Department of Streets and Sanitation
City of Chicago


Suzanne Malec-McKenna
Commissioner
Department of Environment
City of Chicago


Richard J Monocchio
Acting Commissioner
Department of Buildings
City of Chicago

published: May 20, '08

NOTICE OF INTENT TO STOP WORK

Date of Service: ____ / ____ / ____ (MM/DD/YY)

Time: ____ : ____ ○ a.m. ○ p.m.

Pursuant to the Construction Site Cleanliness Ordinance, Section 13-32-125 of the Chicago Municipal Code, and applicable regulations, City of Chicago Department of:

☐ Streets & Sanitation

☐ Environment

☐ Buildings

hereby provides notice to _____
Responsible Party

of the Department's intent to **STOP WORK** at the Construction Site located at or about

Construction Site Location/Address

You may request a pre-stop-work meeting by submitting a Request for a Pre-Stop-Work Meeting to Department of Streets and Sanitation in accordance to the terms provided in the Section 13-32-125 Construction Site Cleanliness Regulations. If you fail to request a pre-stop-work meeting within two business days from the issuance of this notice, DSS may issue you a Ten-Day Stop Work Order. The forms can be picked up on business days from 9 am to 4 pm at 121 North LaSalle, Room 704, Chicago, Illinois, or found at the following website: <http://www.cityofchicago.org/streets>.

This notice is hereby served by:

- ☐ overnight carrier at the Responsible Party's residence address or at the address of the Responsible Party as contained on the building permit for the construction site or, if the Responsible Party is a business entity, at any address identified for its registered agent or at its principal place of business
- ☐ personal service, including personal service upon an employee or agent of the Responsible Party at the construction site or at the address of the Responsible Party as contained on the building permit for the construction site or other place of business of the Responsible Party

Print Name of Person Accepting Service: _____

Signature of Person Accepting Service: _____

- ☐ facsimile or electronic mail to the Responsible Party at _____
- ☐ posting a copy of the notice on the front entrance of the construction site or in a prominent place upon the construction site

Person serving notice (sign and print): _____

Signature of issuing officer/investigator/inspector: _____

Print Name: _____ Department/Bureau or Division: _____

Phone Number: _____

Commissioner

Department

REQUEST FOR PRE-STOP-WORK MEETING

Person/Entity named in Notice of Intent: _____

Date of Notice of Intent: ____ / ____ / ____ (MM/DD/YY)

Location of Construction Site: _____

Your full name (print): _____

Address: _____

Address Where Notice May
Be Forwarded: _____

Describe your relationship to the person/entity named in Notice of Intent:

☐ Owner of the construction site ☐ Owner's Agent ☐ Owner's Attorney

Pursuant to applicable regulations, I request that a meeting be held within the next 2 business days after submission of an effective request for a meeting, unless both the department and I agree in writing to a later date. The regulations can be found at the following website: <http://www.cityofchicago.org/streets>. Request for a pre-stop-work meeting must be submitted by fax or hand delivery to the following fax number/address: **(312) 745-2009** to the attention of Construction Site Cleanliness Meeting/121 North LaSalle Street, Room 704, Chicago, Illinois. Hand deliveries will only be accepted on business days between the hours of 9 am to 4 pm.

You must provide a *telephone number, fax number or email address* at which you can be reached in order that the department may provide you with the date, time and location of your meeting. Please provide that information here:

By signing this form, I acknowledge and affirm that I am either the Responsible Party or an authorized agent of the Responsible Party; that the information that I have provided is true and correct; and that I will be available for a meeting at the date, time and location to be specified by Department of Streets and Sanitation within 1 business day's notice via the telephone number, fax number, or email address that I provided in the box above.

Your signature

NOTICE OF PRE-STOP-WORK ORDER MEETING

Notice Date: _____

Person/Entity named in the
Notice of Intent to Stop Work: _____

Date of Notice of Intent: ____ / ____ / ____ (MM/DD/YY)

Location of Construction Site: _____

At your request, Chicago Department of Streets and Sanitation will be convening a Pre-Stop-Work Order Meeting. **The meeting information is as follows:**

Date: _____

Time: _____

Meeting Location and Address: _____

Please refer to Section 13-32-125 Construction Site Cleanliness Rules and Regulations for information about the meeting. A copy of these regulations can be picked up from 9:00 am to 4:00 pm at 121 North LaSalle, Room 704, Chicago, Illinois, or found at the following website: <http://www.cityofchicago.org/streets>.

Person serving notice (sign and print): _____

**CONSTRUCTION SITE CLEANLINESS ORDINANCE
TEN-DAY STOP WORK ORDER
ISSUANCE DATE: _____**

Person/Entity named in Notice of Intent: _____

Date of Notice of Intent: ____ / ____ / ____ (MM/DD/YY)

Location of Construction Site: _____

Pursuant to the Construction Site Cleanliness Ordinance, Section 13-32-125 of the Chicago Municipal Code ("Code"), and applicable regulations, this Ten-Day Stop Work Order is hereby issued by Department of Streets and Sanitation. Department of Streets and Sanitation has found that the construction site continues to violate Section 13-32-125 of the Code.

Department of Streets and Sanitation representatives issuing the Ten-Day Stop Work Order:

1st representative: _____ Title: _____

2nd representative: _____ Title: _____

Commissioner, Department of Streets and Sanitation
City of Chicago

Unless a subsequent Stop Work Order is issued, work may begin on _____.

TEN-DAY STOP WORK ORDER LIFTED

The Department of Streets and Sanitation has lifted this Ten-Day Stop Work Order pursuant to the terms found in the Section 13-32-025 Construction Site Cleanliness Rules and Regulations.

Date Ten-Day Stop Work Order Is Lifted: _____

Time Ten-Day Stop Work Order is Lifted: _____

Department of Streets and Sanitation Representatives Lifting the Ten-Day Stop Work Order:

1st representative: _____ Title: _____

2nd representative: _____ Title: _____

Commissioner, Department of Streets and Sanitation
City of Chicago