CITY OF CHICAGO

RULES

REGARDING THE REGISTRATION AND INSPECTION OF CONVEYANCE DEVICES UNDER THE ANNUAL INSPECTION CERTIFICATION PROGRAM

Mayor Rahm Emanuel **Commissioner Judith Frydland**

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO SECTIONS 2-22-040(4), 2-22-040(8), 13-20-014, 18-30-460 AND THE GENERAL PROVISIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING THE REGISTRATION AND INSPECTION OF CONVEYANCE DEVICES UNDER THE ANNUAL INSPECTION CERTIFICATION PROGRAM ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: _____ Date: 8/7/16
Commissioner Judith Frydland

Published: 08/07/16
Effective: 08/17/16

RULES FOR THE REGISTRATION AND INSPECTION OF CONVEYANCE DEVICES UNDER THE ANNUAL INSPECTION CERTIFICATION ("AIC") PROGRAM

ARTICLE I. DEFINITIONS

Rule No. 1 *Definitions.* As used in these Rules, unless the context indicates otherwise:

"Account owner" means the person responsible for reporting on the Annual Inspection Certification or AIC website either as a building owner, property manager, tenant or other designated agent. Each building may have multiple individual conveyance device accounts.

"AIC" or "AIC program" means the Annual Inspection Certification Program for the inspection of conveyance devices under these Rules.

"Annual" means a continuous twelve (12) month period from due date to due date.

"ASME" means the American Society of Mechanical Engineers.

"ASME A17.1 - 2007" means the 2007 edition of the ASME Safety Code for Elevators and Escalators.

"Authorized technician" means any inspector that (1) is an elevator inspector licensed by the State of Illinois pursuant to Section 60 of the Elevator Safety and Regulation Act (225 ILCS 312/60) and (2) is either the owner of or employed by an elevator inspection company licensed by the State of Illinois pursuant to Section 60 of the Elevator Safety and Regulation Act (225 ILCS 312/60).

"Authorized technician's statement and certification" or "statement and certification" means the statement and certification required under these Rules to be submitted to the department by an authorized technician upon completion of an inspection by such authorized technician under the AIC program.

"Building" has the meaning ascribed to the term in Section 13-4-010 of the Code.

"Central Business District" has the meaning ascribed to the term in Section 9-4-010 of the Code.

"City" means the City of Chicago.

"City inspector" means an inspector under the employment of the Department of Buildings.

"Code" means the Municipal Code of Chicago, unless the context indicates otherwise.

"Commissioner" means the Commissioner of Buildings or the Commissioner's designee.

"Conveyance device" means any equipment regulated under Chapters 18-30, 18-31 and/or 18-32 of the Code.

"Department" means the Department of Buildings.

"Department web page" means www.cityofchicago.org/en/depts/bldg or its successor web page address.

"Elevator inspector" means a person licensed as an elevator inspector by the State of Illinois pursuant to Section 60 of the Elevator Safety and Regulation Act (225 ILCS 312/60).

"Elevator Inspection Company" means an entity licensed as an elevator inspection company by the State of Illinois pursuant to Section 60 of the Elevator Safety and Regulation Act (225 ILCS 312/60) and which also possesses a Limited Business License issued under Section 4-4-020 of the Code.

"Elevator mechanic contractor" means an elevator mechanic contractor holding a valid elevator mechanic contractor license issued under Chapter 4-298 of the Code.

"Individual Conveyance Device Account" means the vehicle for reporting annual inspection results for each conveyance device within each building.

"Minor repair(s)" means any repair to a conveyance device that does not require the issuance of a building permit as a precondition to making such repair.

"Owner" has the meaning ascribed to the term in Section 13-4-010 of the Code.

"Periodic tests" means the inspection requirements set forth in Table N-1 of ASME A17.1 - 2007/CSA B44-07, ASME Safety Code for Elevators and Escalators (2007) at intervals determined by the Commissioner.

"Supervising elevator mechanic" means a supervising elevator mechanic within the meaning of Chapter 4-298 of the Code.

ARTICLE II. PARTICIPATION IN THE AIC PROGRAM

Rule No. 2 Unless otherwise exempt under federal or state law or prohibited by these Rules, the owner of each building that contains any conveyance device regulated under Chapters 18-30, 18-31 and/or 18-32 of the Code, and that is also required to be inspected under Section13-20-100 of the Code, shall participate in and comply with the AIC program if such building is:

(a) located in the Central Business District; or

(b) owned or entirely under the direction of a City Sister Agency, including, but not limited to, the: Chicago Housing Authority, Chicago Transit Authority, Chicago Public Schools, City Colleges of Chicago, Chicago Park District, Metropolitan Pier and Exposition Authority, Chicago Port Authority or Metropolitan Water Reclamation District of Greater Chicago; or

(c) owned or entirely under the direction of Cook County; or

(d) a City facility composing part of the campus of O'Hare International Airport or Midway International Airport; or

(e) so designated in writing by the Commissioner.

Buildings owned or entirely under the direction of the City, which the exception of those comprising part of the campus of O'Hare International Airport or Midway International Airport, shall be inspected by the City.

Rule No. 3 The owner of a building that contains any conveyance device regulated under Chapters 18-30, 18-31 or 18-32 of the Code that is also required to be inspected under Section13-20-100 of the Code, but which is not required to participate in the AIC program pursuant to Rule 2, may petition the Commissioner in writing for permission to participate in the AIC program. The decision to grant or deny the petition shall be within the sole and final discretion of the Commissioner. A building owner granted permission to participate in the AIC program shall be subject to these Rules. Failure to comply with these Rules may be grounds for the immediate expulsion from the AIC program by the Commissioner.

Rule No. 4 The owner of a building required or allowed to participate in the AIC may be suspended immediately from the program when any individual conveyance device located within such building: (1) is the subject matter of a pending proceeding before, or subject to an order of compliance or consent decree by, the Department of Administrative Hearings, the Circuit Court of Cook County or a court of competent jurisdiction; and (2) such proceeding involves an allegation of a life safety violation of the Code relative to such conveyance device. During the applicable inspection period, the building and all conveyance devices in such building shall be subject to inspection by a city inspector. The building owner shall be required

to pay any and all fees required to be paid under the Code in connection with any such inspection by a city inspector. For purpose of this Rule, the immediate suspension shall occur upon the mailing or personal delivery of a notice of violation and shall continue until such violation has been brought into compliance, as verified by the Department.

Rule No. 5 An authorized technician, elevator inspector or elevator inspection company, as defined in Rule No. 1, shall be allowed to participate in the AIC, and may be listed as such on the Department's web page. Said participation by authorized technician, elevator inspector or elevator inspection company is subject to compliance with these Rules.

Rule No. 6 An authorized technician, elevator inspector, elevator inspection company or supervising elevator mechanic shall recuse themselves in the event of a conflict of interest. For purposes of this Rule a "conflict of interest" includes, but is not limited to, inspecting one's own work or the work of one's employer or the work of an affiliate company or in a building where one has an ownership interest or any contractual relationship related to the elevator inspections.

Rule No. 7 An authorized technician, elevator inspector, elevator inspection company or supervising elevator mechanic shall notify the Commissioner, in writing, in the event that any State or City license required under these Rules is invalidated, expired, suspended or revoked.

ARTICLE III. REGISTRATION OF BUILDING

Rule No. 8 The owner of a building required or allowed to participate in the AIC shall register said building with the Department. Registration shall consist of the creation of an on-line account with the Department on the Department's web page. Registration shall not be deemed complete until all required information on the registration has been provided. The owner shall have a continuing duty to update the registration if any required information has changed.

ARTICLE IV. INSPECTION REQUIREMENTS

Rule No. 9 An authorized technician, elevator inspector or elevator inspection company shall: (1) inspect a conveyance device in accordance with the requirements set forth in the Municipal Code of Chicago at the time such conveyance device was installed or modernized; and (2) inspect a conveyance device in accordance with the standards required for "periodic inspections" as set forth in Table N-1 of ASME A17.1-2007/CSA B44-07, ASME Safety Code for Elevators and Escalators (2007). Provided, however, that the witnessing of periodic tests is not required. Provided further, that if a periodic test is not witnessed, the authorized technician, elevator inspector or elevator inspection company shall verify (i) that any required periodic test

was performed; and (ii) for each applicable category set forth in Table N-1, whether the applicable ASME requirement has been met.

ARTICLE V. DUTIES OF PARTICIPANTS

Rule No. 10 The following duties shall apply to all owners, authorized technicians, elevator inspectors, elevator inspection companies, elevator mechanic contractors and supervising electricians, unless otherwise expressly noted, participating in the AIC program:

(a) duty to comply with the Code, including but not limited to, Article V of Chapter 13-20 and Chapters 18-30, 18-31 and 18-32 of the Code;

(b) duty to comply with all instructions in any forms or certifications required under the AIC program, including the duty to comply with any and all paper deadlines as well as electronic filing or reporting deadlines and an on-going duty to update any required information;

(c) duty to: (1) operate and maintain conveyance devices in a safe condition and (2) immediately refrain from operating any conveyance device identified as being in an unsafe condition by an authorized technician, elevator inspector, elevator inspection company, elevator mechanic contractor or supervising electrician or an employee of the Department or an employee of the Chicago Fire Department;

(d) duty to take corrective action when a repair or upgrade is required to maintain the conveyance device in compliance with the Code and these Rules, including, but not limited to, obtaining any necessary City permits and utilizing an elevator mechanic contractor when required;

(e) duty of an owner to make on time payments of any and all fees required by the Code by required due dates;

(f) duty of an owner to: (1) ensure that all required periodic tests of conveyance devices are performed in a timely manner; and (2) keep on file, for a period of six (6) years, the results of such periodic tests; and (3) upon request by any authorized technician hired by such building owner or City inspector, make the results of such periodic tests available for inspection by such authorized technician or City inspector; and

(g) duty of an authorized technician, elevator inspector, elevator inspection company, elevator mechanic contractor or supervising electrician to refrain from representing or giving the appearance of representing to an owner or an agent of an owner that the authorized technician, elevator inspector, elevator inspection company, elevator mechanic contractor or supervising electrician is acting on behalf of or at the direction

of the City or the Department, including, but not limited to, the use of the name, seal or symbol of the City or the Department or the inclusion of copies of any official City or Department documents or excerpts of documents in solicitation materials.

ARTICLE VI. DUTIES OF PARTICIPANTS – DANGEROUS OR HAZARDOUS CONDITIONS

Rule No. 11 The following duties shall apply to all owners, authorized technicians, elevator inspectors, elevator inspection companies, elevator mechanic contractors and supervising electricians, unless otherwise expressly noted, participating in the AIC program upon the discovery of a dangerous or hazardous conveyance device:

(a) to immediately call the City of Chicago's non-emergency number, 3-1-1, to report such dangerous, hazardous or unsafe device as an "emergency" situation;

(b) to directly contact the Elevator Bureau of the Department of Buildings to report such dangerous, hazardous or unsafe device as an "emergency" situation;

(c) to notify, in writing, the authorized technician's employer, building owner, building manager and any other applicable client that such conveyance device is dangerous, hazardous or unsafe for use by any person and that all operation of such device must cease immediately;

(d) to post a temporary written notice on the doors of the device and the device's electrical power disconnect, as applicable;

(e) to secure the internal and external doors to such conveyance device to prevent operation and use;

(f) to remain on site until such conveyance device is secured against operation and use; and

(g) to perform any and all other safety measures required by federal, state and local law.

ARTICLE VII. AUDITING OF REGISTRATIONS, INSPECTIONS, REPORTS AND CERTIFICATIONS

Rule No. 12 All registrations, inspections, reports and certifications of owners, authorized technicians, elevator inspectors, elevator inspection companies, elevator mechanic contractors and supervising electricians are subject to audit by the Department. Audits may include a document review and/or an inspection of the conveyance device.

Rule No. 13 A failed audit may result in one or more of the following:

(a) a notice to correct any and all deficiencies;

(b) a notice of violation filed before the Department of Administrative Hearings;

(c) an enforcement action filed before the Circuit Court of Cook County;

(d) an order to cease operation and use of a conveyance device until further written notice from the Department;

(e) suspension or expulsion from the AIC program;

(f) revocation of a registration, report or certification; and/or

(g) any other remedy provided by law.

Rule No. 14 If an audit results in the suspension or expulsion of an owner, authorized technician, elevator inspector, elevator inspection company, elevator mechanic contractor or supervising electrician for the AIC program, the Commissioner shall notify the person, in writing, of such suspension or expulsion via regular mail to the address of record. The notice shall:

(a) set forth the basis of the suspension or expulsion;

(b) include a statement that within ten days of the notice, the person is entitled to file a written request for a hearing before the Commissioner to contest the suspension or expulsion;

(c) include a statement that the person is entitled to appear at the hearing to testify, present documents, including affidavits, and any other evidence to contest the suspension or expulsion;

(d) include a statement that if the person fails to request a hearing within ten days, the person is deemed to have conceded the validity of the reason stated in the notice and the suspension or expulsion shall become final;

(e) include a certificate of service;

(f) include an oath or affirmation by the Commissioner certifying the correctness of the facts set forth in the notice of suspension or expulsion; and

(g) be served by first class mail.

For purposes of this Rule No. 14, the ten-day period shall begin to run on the date indicated on the face of the notice.

If a timely request for a hearing is filed, the Commissioner shall cause a hearing to occur and upon the closing of the record, shall issue written findings and enter an order either affirming or reversing the suspension or expulsion. A copy of the findings and order shall be served upon all parties appearing or represented at the hearing either by personal service or first class mail. A final order may be appealed to a court of competent jurisdiction as provided by law.

ARTICLE VIII. GENERAL PROVISIONS

Rule No. 15 Nothing in these Rules is intended to limit the powers or authority of the City of Chicago, the Department of Buildings or the powers or authority of any other City Department; nor are these Rules intended to relieve any person or entity from full compliance with any other provisions of the Code or other rules and regulations promulgated by the Department or any other City Department.

Rule No. 16 Penalties for violations of these rules shall be as provided in the Code.

Rule No. 17 The Commissioner reserves the right to suspend, repeal or amend these Rules at any time in accordance with law.

Rule No. 18 The provisions of these Rules are severable. If any part of these Rules, in whole or in part, is declared invalid or unconstitutional, that declaration shall not affect the part or parts which remain.