CITY OF CHICAGO

RULES

REGARDING THE MAINTENANCE OF HIGH-RISE EXTERIOR WALLS AND ENCLOSURES

Mayor Rahm Emanuel

Commissioner Judith Frydland

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO SECTIONS 2-22-040(4), 13-20-014, AND 13-196-038 AND THE GENERAL PROVISIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES FOR THE MAITNENANCE OF HIGH-RISE EXTERIOR WALLS AND ENCLOSURES.

By Order of the Commissioner:

Signed: _____ Date: 2/16/16
Commissioner Judith Frydland

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RULES FOR THE MAINTENANCE OF HIGH-RISE EXTERIOR WALLS AND ENCLOSURES

RULE 1. DEFINITIONS

Rule 1.1 As used in these rules, unless the context clearly indicates otherwise:

"Category I buildings" means those buildings constructed with exterior walls and enclosures that are primarily reinforced with, or are in direct contact with, non-corrodible metal.

"Category II buildings" means those buildings constructed with exterior walls and enclosures that are primarily reinforced with, or are in direct contact with: (i) corrosion resistant metal; or (ii) corrodible metal that is protected by flashing and corrosion-resistant metal anchors.

"Category III buildings" means those buildings constructed with exterior walls and enclosures that are primarily reinforced with, or are in direct contact with, corrodible metal.

"Category IV buildings" means those buildings constructed with exterior walls and enclosures that are primarily secured to the substrate by adhesive bond or with masonry headers.

"Code" means the Municipal Code of Chicago.

"Commissioner" means the commissioner of buildings or his or her designee.

"Corrodible metal" means unprotected carbon steel, shop-primed steel, uncoated reinforcing bars and other metals that can corrode.

"Corrosion-resistant metal" means corrodible metal that is galvanized, epoxy coated, or painted specifically to resist corrosion with that finish intact.

"Critical examination" shall have the meaning ascribed to it in Section 13-196-031 of the Municipal Code of Chicago.

"Critical examination report" shall have the meaning ascribed to it in Section 13-196-031 of the Municipal Code of Chicago.

"Current report," "**current critical examination report,**" or "**current ongoing inspection and repair report**" means a report that sets forth the findings of a critical examination or an ongoing inspection and repair examination which has been completed within the four (4) months previous to the date that the critical examination report or an ongoing inspection and repair report is due.

"Department" means the Department of Buildings.

"Exterior walls and enclosures" shall have the meaning ascribed to it in Section 13-196-031 of the Municipal Code of Chicago.

"Failure of the exterior enclosure" means that any portion of the cladding or component of the facade has broken away from the exterior wall and is dangerous to people or property.

"Flashing" means a thin impervious material used in the construction of a building to prevent water penetration or provide water drainage, especially between a roof and wall, and over exterior door openings, windows and shelf angles.

"High-rise building" means a building more than eighty (80) feet above grade.

"Non-corrodible metal" means stainless steel, aluminum and other metals that do not corrode under atmospheric conditions.

"Ongoing inspection and repair program" shall have the meaning ascribed to it in Section 13-196-031 of the Municipal Code of Chicago.

"Ongoing inspection and repair report" shall have the meaning ascribed to it in Section 13-196-031 of the Municipal Code of Chicago.

"Owner" shall have the same meaning ascribed to it in Section 13-4-010 of the Municipal Code of Chicago.

"Professional" shall have the meaning ascribed to it in Section 13-196-031 of the Municipal Code of Chicago.

"Public way" means a public street, alley, sidewalk, right of way or park.

"Repair" or "Repair work" means work performed on a building which is permanent in nature and intended to bring any condition into a state of reliability.

"Representative drop" means a movement from top to bottom of a building façade, covering an area at least twenty-four (24) feet wide using scaffolding, cranes, hoists, cherry pickers, ladders and other devices that permit a close-up visual examination of the façade at elevations above grade level.

"Safe condition" means a condition in an exterior wall and enclosure that exhibits neither an "unsafe and imminently hazardous condition" nor a "safe with a repair and maintenance condition" at the time of the critical examination.

"Safe with a repair and maintenance program condition" means a condition in an exterior wall and enclosure that is considered by the professional not to be in an "unsafe and imminently hazardous condition" at the time the critical examination is performed, but requires repair and maintenance within a time period designated by the professional in order to prevent its deterioration into an "unsafe and imminently hazardous condition."

"Stabilization" means work performed on an exterior wall of a building which is temporary in nature and intended to contain an unsafe and imminently hazardous condition until permanent repairs can be affected. The owner or professional shall promptly notify the Department of any stabilization work performed to contain an unsafe and imminently hazardous condition by telephoning the Department's main telephone number 312-743-7200 during business hours or by telephoning 311 during non-business hours.

"Unsafe and imminently hazardous condition" means a condition in an exterior wall or enclosure that has no reliable means of structural support, and that is dangerous to people or property. The owner and professional shall promptly notify the Department of any unsafe and imminently hazardous condition by telephoning the Department's main telephone number 312-743-7200 during business hours or by telephoning 311 during non-business hours.

RULE 2. FILING REQUIREMENTS

Rule 2.1 Owners of a building that meets any of the following criteria shall be ineligible to file an Ongoing Inspection and Repair Report "Short Form" and the owners shall be required to file a Critical Examination Report. Owners shall file a Critical Examination Report if any of the following criteria apply:

(a) The building is vacant and subject to registration as required by Section 13-12-125 or 13-12-126 of the Code; or

(b) The building is the subject of an active case in the Chicago Department of Administrative Hearings or an outstanding order of compliance by the Chicago Department of Administrative Hearings for a violation of sections 13-196-033 through 13-196-038 of the Code; or is the subject of an active case by the City in the Circuit Court of Cook County or an outstanding order of compliance or consent decree by the Circuit Court of Cook County for violations of the Code.

(c) The building has been classified as "unsafe and imminently hazardous" in the most recently filed report; or

(d) The owner of the building is more than one (1) year delinquent in filing an Ongoing Inspection and Repair Report "Short Forms."

Buildings that do not meet any of the criteria in (a) through (d) above shall be eligible to file an

Ongoing Inspection and Repair Report "Short Form" as provided for in Rule 6.

Rule 2.2 The commissioner shall make a determination whether a report submitted by the owner is acceptable or not acceptable. A report shall not be considered filed until the report is determined to be acceptable by the building commissioner. For any report determined to be not acceptable, the owner shall: (1) submit a new report that addresses the deficiencies noted in the original report; and (2) pay a fee for reviewing the new report.

Rule 2.3 The commissioner may, by directive, require the electronic filing of the report.

RULE 3. EXAMINATION OF EXTERIOR WALL BALCONIES, FIRE ESCAPES, CHIMNEYS, HANGING AIR CONDITIONERS, MARQUEES, AT-GRADE CANOPIES, SIGNS, FLAGPOLES, AND WINDOW WASHING AND EXTERIOR MAINTENANCE SYSTEMS

Rule 3.1 For purposes of examining exterior wall balconies, fire escapes, chimneys, hanging air conditioners, marquees, at-grade canopies, signs, flagpoles, and window washing and exterior maintenance systems (collectively the "Appurtenances"), the examination shall be performed in compliance with Rule 4. The examination shall be limited to a visual examination of the surface of the exterior wall where the Appurtenances are in contact with the wall, and their impact, if any, on the integrity of the exterior wall.

Rule 3.2 If the professional discovers conditions that may implicate the integrity of the exterior wall where it comes into contact with an appurtenance, then the professional shall inform the owner, in writing, of the need for further examination of such structures. The professional shall include in the critical examination or on-going inspection and repair report documentation that the notification required by this rule has been provided to the owner.

RULE 4. CLOSE-UP VISUAL EXAMINATIONS

Rule 4.1 In performing a critical examination, the professional shall conduct or supervise a close-up visual examination to determine whether an exterior wall and enclosure should be characterized as "unsafe and imminently hazardous"; "safe with a repair and maintenance program"; or "safe condition."

Rule 4.2 A close-up visual examination shall be conducted by a professional or an architect-in-training, engineer-in-training, technician, contractor or skilled trades people, under the professional's direct supervision, who must make physical contact with those portions of the exterior wall reachable by hand or tool while utilizing scaffolding, boatswain chairs, or lifts at a minimum of one (1) representative drop on each public way spanning no less than twenty-four (24) feet. If any repairs are required, only scaffolding shall be used.

Rule 4.3 To supplement the close-up visual examination, other methods, including but not

limited to, photographic magnification techniques, remote observation equipment, or infra-red or thermography cameras, or other methods or technology which can demonstrate reasonable reliability may be approved by the Commissioner on a case-by-case basis. Such approval must be granted prior to the examination.

RULE 5. CRITICAL EXAMINATIONS

Rule 5.1 Based upon any previous critical examinations or upon review of the construction documents for the building, the professional shall categorize the building according to the categories as defined in these rules and include such information in any reports. Based upon the category of the building, a critical examination shall be performed as required in these rules unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 5.2 The owner of a Category I building shall have a critical examination performed on the building and submit a current critical examination report no later than December 1st of the twelfth (12th) year following the last submitted critical report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 5.3 The owner of a Category II or IV building shall have a critical examination performed on the building and submit a current critical examination report no later than December 1st of the eighth (8th) year following the last submitted critical report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 5.4 The owner of a Category III building shall have a critical examination performed on the building and submit a current critical examination report no later than December 1st of the fourth (4th) year following the last submitted critical report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 5.5 The commissioner may reset the time for the next reporting cycle to be consistent with the building's respective category for any building, if, during the inspection and reporting cycle applicable to that building, an owner submits a report to the commissioner that sets forth repairs on the building that occurred during the reporting cycle, and the report meets the requirements of a current critical examination report.

Rule 5.6 Critical examinations shall begin with every elevation parallel to any public way.

Rule 5.7 Light courts enclosed by walls on all sides need not be included in the scope of a critical examination, unless there are skylights at the bottom of the courtyard or there are openings that permit public ingress or egress into the light court. In any case, such light court shall be included in any ongoing inspection and repair report.

Rule 5.8 Examination of the substrate of typical wall areas with no externally visible distress at a no less than one inspection opening per elevation shall be required in buildings which meet

all of the following conditions:

(a) The building is fifty (50) years or older;

(b) Component and cladding of the building is comprised of masonry, stone or terra cotta; and

(c) The material is affixed to the building with concealed corrodible or corrosion-resistant metal fasteners.

Rule 5.9 Examination of the substrate shall require the physical removal of small portions of the components or cladding at the inspection openings as recommended by the professional.

Rule 5.10 The owner shall notify the department, in writing, as soon as possible of any deviation from a schedule of repairs recommended by the professional either in the critical examination report or in any emergency repair schedule recommended.

Rule 5.11 Repairs may be performed concurrent with the performance of a critical examination. Any repair work performed concurrently with a critical examination shall be in conformity with all applicable permit requirements.

Rule 5.12 Any repair work conducted under the auspices of a general repair permit which is structural in nature shall cause the owner to submit proper plans and documentation and obtain a revised building permit at the completion of the work. It shall be the duty of the owner or professional to remove any remedial or repair work that the commissioner determines is in violation of the Code.

Rule 5.13 The repair or replacement-in-kind of any materials or types of structural support systems, such as, but not limited to: lintels or shelf angles, shall require a permit but no structural plans or structural review. Repair work which may be characterized as nominal or cosmetic, such as, but not limited to: sealing or patching, shall not require a permit.

Rule 5.14 Repair work shall not be performed from or upon any fixed scaffolding which does not meet a minimum live load of at least thirty (30) pounds per square foot.

Rule 5.15 The Professional's critical examination report shall comply with the following:

(a) Every critical examination report shall be signed and have the professional's seal attached and shall certify that the professional has:

(1) reviewed the pertinent available drawings and specifications of the building to determine the specified design of the exterior wall systems on the building;

(2) reviewed the available as-built drawings and specifications of the building and as-

built conditions exposed by inspection openings cut in the wall for a critical examination to determine the as-built construction of the exterior wall system on the building;

(3) reviewed the available drawings and specifications and maintenance reports on previous repair work performed on the exterior facade to obtain information on the maintenance history of the facade wall; and

(4) has notified the owner of exterior wall areas that are bowed, bulged, displaced or leaning and that examination of the condition of a sufficient number of metal ties, anchors and shelf angles that support the wall at these location should be performed.

(b) Recognizing the limitations on detecting concealed internal wall distress, the critical examination may not find all unsafe and imminently hazardous conditions in the wall that are not visible from the exterior, however, the professional shall certify in the report that the critical examination was performed in accordance with the exterior wall ordinance and rules and regulations, and the applicable standard of care for architects or structural engineers.

Rule 5.16 All critical examination reports shall include the following information and such information shall be in the order as outlined below:

(a) Name and address of building;

(b) Site plan of building showing adjacent streets and alleys and a relationship of building to property lines and to adjacent buildings;

(c) Site plan of building showing adjacent streets and alleys and a relationship of building to property lines and to adjacent buildings;

(d) Principal building occupancy and type of mixed use, if any;

(e) Complete name, mailing address and phone number for the owner, including primary contact person on site and at the management company, if applicable;

(f) Name, business address and phone number of professional preparing the critical examination report;

(g) Description of building, including: number of stories; height, plan dimensions, age and type of exterior wall construction, describing (as applicable) cornices, soffits or similar overhangs or features;

(h) Overall photographs or drawings of all elevations of the building;

(i) Detailed description of the critical examination in narrative form, that must include characterization of the building as: "unsafe and imminently hazardous", "safe with a repair and maintenance program" or "safe";

(j) The start and the completion dates of the exam;

(k) Drawings or photographs to describe the locations and extent of all significant distress or deteriorated conditions observed in the exterior walls;

(l) Description and location of observed unsafe and imminently hazardous conditions in the exterior wall, description of recommended repair program and schedule to address these conditions and a discussion of any stabilization work performed or required;

(m) Description of recommended repair work, if any, and the urgency of such repairs;

(n) Where appropriate, a comparison of conditions of exterior walls on building with conditions observed during previous examinations;

(o) Recommendation for future examination, if earlier than otherwise required by Code;

(p) Signature and seal of the Professional who performed or supervised the critical examination;

(q) The Date of the report;

(r) Other documents, notes, summaries, memoranda, letters or ancillary reports pertinent to the critical examination report prepared by the professional and submitted to the owner; and

(s) Other documents, notes, summaries, memoranda, letters or ancillary reports pertinent to the critical examination report prepared by the professional and submitted to the owner; and

(t) Categorization of the building as determined by the professional.

Rule 5.17 The owner shall submit two paper copies of the current critical examination report on 8½" x 11" paper. The commissioner may, by directive, require electronic filing of the report.

Rule 5.18 All critical examinations must be performed within the previous twelve month period from the date that they are due.

RULE 6. ONGOING INSPECTIONS AND REPAIR PROGRAM AND REPORTS

Rule 6.1 Any owner eligible for and participating in the Ongoing Maintenance and Repair Report option outlined in Rule 2 shall submit a current ongoing inspection and repair report no later than November 1st every second (2nd) year.

Rule 6.2 The owner of a Category I building shall submit a current ongoing inspection and repair report no later than November 1st every sixth (6th) year after submission of a critical examination report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 6.3 The owner of a Category II or IV building shall submit a current ongoing inspection and repair report no later than November 1st every fourth (4th) year after submission of a critical examination report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 6.4 The owner of a Category III building shall submit a current ongoing inspection and repair report no later than November 1st every second (2nd) year after submission of a critical examination report unless the owner is qualified for and participating in the "Short Form Only" program.

Rule 6.5 All ongoing inspection and repair reports shall include such information as requested on a form approved by the Commissioner. It shall also include other documents, notes, summaries, memoranda, letters or ancillary reports pertinent to the ongoing maintenance report prepared by the professional and submitted to the owner.

Rule 6.6 Any report or form which indicates the need for ongoing maintenance must include a thorough description of recommended repairs, maintenance or corrective actions and a timetable for completion. References to previous critical examination report materials must be specific with required repairs and timetable for completion; statements similar to "Repairs should be performed as outlined in 2004 critical examination" will not be accepted. The performance of the recommended repairs and maintenance work in accordance with the timetable shall be confirmed in subsequent reports.

RULE 7. UNSAFE AND IMMINENTLY HAZARDOUS CONDITIONS

Rule 7.1 Upon determining that an exterior wall is in an unsafe and imminently hazardous condition, the owner and professional shall promptly notify the Department by telephoning the Department's main telephone number 312-743-7200 during business hours or, by telephoning 311 during non-business hours. It shall also be the responsibility of the professional, or an architect-in-training or engineer-in-training under the professional's direct supervision, to personally examine the condition and determine the appropriate repair or stabilization procedures. The owner of the building shall promptly begin repairs or stabilization of an unsafe

and imminently hazardous condition.

Rule 7.2 A schedule of the repair or stabilization work shall be submitted to the Commissioner within seventy-two (72) hours of notification to the owner by the professional.

Rule 7.3 An application for a building permit for the repair work shall be submitted no later than thirty (30) days after the professional notifies the owner and the Commissioner of the unsafe and imminently hazardous condition; provided, however, that if the severity of conditions warrant more immediate action, the Commissioner may prescribe an earlier date by which an application must be submitted.

Rule 7.4 If the unsafe and imminently hazardous condition is discovered during an Ongoing Maintenance and Repair Program ("Short Form") inspection, the owner may be required to perform a critical examination on portions of or all of the façade of the building. Verbal notice of the requirement may come at the time of inspection; official notice will come in the form of a circuit court case.

RULE 8. FEES

Rule 8.1 The filing fee for a critical examination report and an ongoing inspection and repair report shall be $75.00.

Rule 8.2 The filing fee for the review of any report filed because the initial report was determined to be unacceptable shall be $75.00.

RULE 9. DELINQUENT REPORTS

Rule 9.1 The Department of Buildings reserves the right to consider a report delinquent for the previous calendar year when both inspection date and report submittal occur in the calendar year following originally required due date. Reports submitted for structures that do not have the required report on file with the Department of Buildings may be considered delinquent if the report is submitted before August 1st of the calendar year following the originally required due date.

Rule 9.2 If a building owner receives a violation notice for not filing a report for any calendar year, and the inspection is not performed and report submitted before August 1st of the following calendar year, it will be impossible to comply that violation. Owners may be required to file a report to bring the building up to date but the time frame for future reports will not be impacted.

Rule 9.3 If a report is considered delinquent for the previous calendar year, future reports will be required based on the year for which the report was acknowledged, not the year that

the inspection was performed and report submitted.

RULE 10. EXTENSIONS

Rule 10.1 An owner may request, in writing, an extension for the due date for the submission of a critical examination report or ongoing inspection and repair report. The request shall set forth the reasons for the extension, which may include but not be limited to the following:

(a) The building is scheduled for demolition within the next twelve (12) months of the due date of the report.

(b) The building is performing a major restoration project at the time the critical examination is due that will be completed within one (1) year of the critical examination due date.

(c) The building or structure is the recipient of federal, state or municipal funding advanced specifically for the purpose of financing the cost of exterior wall and facade repairs, critical examinations and ongoing inspections.

Rule 10.2 Formal extensions will not be granted for the following:

(a) The building is located in a district where the City of Chicago imposes a moratorium on canopies during the holiday season; or

(b) Buildings requesting an extension of less than three (3) months due to a variety of reasons including but not limited to a delayed hiring of architect or structural engineer and inclement weather.

Rule 10.3 All owners shall make their request for an extension of time to comply with these Rules in a written letter directed to the Commissioner of Buildings. Submission of a letter requesting an extension of time shall not constitute approval by the Building Commissioner, nor toll the owner's obligation to comply with these rules until such time as the Commissioner issues a letter approving the request. The letter must include:

(a) Address of building;

(b) Date(s) of last examination(s);

(c) Reason for requested extension, including all relevant documentation;

(d) Alternative plans for inspection, if necessary; and

(e) Additional documentation from the architect or structural engineer that, based upon

the licensed expert's inspection, that the structure in question is free of any imminently dangerous and hazardous exterior wall conditions and that there is no evidence that would cause the expert to conclude that an imminent collapse of the exterior facade components is possible.

Rule 10.4 Requests must be made no later than three (3) months before the report deadline to be considered.

Rule 10.5 The extension shall be granted for a period no longer than one (1) year from the date that the critical examination report on ongoing inspection and repair report is due.

RULE 11. GENERAL PROVISIONS

Rule 11.1 Penalties for violations of these rules shall be as provided in the Municipal Code of Chicago.

Rule 11.2 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 departments; nor are these Rules intended to relieve any person or entity from full compliance with any other provisions of the Municipal Code of Chicago or other rules and regulations promulgated by the department or any other City department.

Rule 11.3 The commissioner reserves the right to suspend, repeal or amend these Rules at any time in accordance with law.

Rule 11.4 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 remains.