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of the
CITY COUNCIL
of the
CITY of CHICAGO, ILLINOIS**

Regular Meeting -- Tuesday, November 13, 2007

at 10:00 A.M.

(Council Chambers -- City Hall -- Chicago, Illinois)

OFFICIAL RECORD.

VOLUME II

RICHARD M. DALEY
Mayor

MIGUEL DEL VALLE
City Clerk

COMMITTEE ON BUILDINGS.

AMENDMENT OF TITLE 13 OF MUNICIPAL CODE OF
CHICAGO BY CLARIFICATION OF CHAPTER 196
CONCERNING MAINTENANCE OF EXTERIOR
WALLS AND ENCLOSURES.

The Committee on Buildings submitted the following report:

CHICAGO, November 13, 2007.

To the President and Members of the City Council:

Your Committee on Buildings, having had under consideration a proposed ordinance (which was referred on October 31, 2007) amending the Municipal Code of the City of Chicago relating to maintenance of exterior walls, begs leave to recommend that your Honorable body do *Pass* the amended ordinance which is transmitted herewith.

This recommendation was concurred in by the members of the Committee, with no dissenting votes.

This ordinance takes effect ten days after its passage and publication.

Respectfully submitted,

(Signed) BERNARD L. STONE,
Chairman.

On motion of Alderman Stone, the said proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Flores, Fioretti, Dowell, Preckwinkle, Hairston, Jackson, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 49.

Nays -- None.

Alderman Carothers moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

WHEREAS, The City Council of Chicago (the "City Council") has determined that the maintenance of buildings in sound condition and good repair is necessary for the health, safety, welfare and general well-being of the general public; and

WHEREAS, The City Council of Chicago by ordinance passed August 30, 2000 and published at pages 39656 -- 39660 of the *Journal of the Proceedings of the City Council of the City of Chicago* of that date (the "Critical Examination Ordinance") established a program for periodic examinations of exterior walls; and

WHEREAS, On July 31, 2002, the City Council deferred an ordinance (the "July Amendment", published at pages 91358 -- 91362 of the *Journal of the Proceedings of the City Council of the City of Chicago* of that date), that contained a number of substantive revisions to the Critical Examination Ordinance; and

WHEREAS, The July Amendment was erroneously published in the Municipal Code and set forth as though it had been passed; and

WHEREAS, Subsequently, the City Council by ordinances passed on September 4, 2002 and published at pages 92710 -- 92715 of the *Journal of the Proceedings of the City Council of the City of Chicago* of that date, and on December 15, 2004 and published at pages 39971 -- 39972 of the *Journal of the Proceedings of the City Council of the City of Chicago* of that date (the "Subsequent Amendments"), amended the Critical Examination Ordinance based on the erroneously published July Amendment; and

WHEREAS, Following the passage of the Subsequent Amendments, it was discovered that because of the erroneously published July Amendment, the Subsequent Amendments contained errors in numbering of sections and caused confusion; and

WHEREAS, The City Council has determined that the most clearly comprehensible and efficient way to correct any confusion and the numbering problems noted above is to replace the July Amendment and Subsequent Amendments in their entirety with a corrected version; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Sections 13-196-031 through 13-196-039 of the Municipal Code of Chicago are hereby deleted in their entirety and replaced with the language, as follows:

13-196-031 Maintenance Of Exterior Walls And Enclosures -- Definitions.

For purposes of Sections 13-196-031 through 13-196-039, the following words and terms are defined as follows:

"Commissioner" shall mean the commissioner of buildings or his designee.

"Critical examination" shall mean a close-up visual examination of the condition of all elevations of the exterior walls and enclosures. All examinations shall be performed by or under the direct supervision of a professional employed by the owner for the purpose of determining if remedial work is required.

"Critical examination report" shall mean a report prepared by a professional retained by the owner that sets forth the findings of a critical examination conducted by the professional. The report shall include: (i) recommendations by the professional for any necessary repairs or remedial work; (ii) a proposed schedule for completion of the necessary repairs or remedial work; and (iii) any other information requested by the commissioner that he deems relevant and reliable. The report shall be signed by and bear the seal of the professional and be in the format set forth in the rules and regulations.

"Exterior walls and enclosures" shall mean the exterior envelope of a building or structure, or any part thereof, including, but not limited to, balconies, fire escapes, chimneys, hanging air-conditioners, marquees, at grade canopies, signs, flagpoles, fire escapes, and window washing and exterior maintenance systems.

"Ongoing inspection and repair program" shall mean a program for the periodic inspections of the exterior walls and enclosures of a building or structure by a professional retained by the owner and the completion of any recommended repairs or remedial work by the owner.

"Ongoing inspection and repair report" shall mean a report prepared by a professional retained by the owner that sets forth the findings of an inspection performed pursuant to the ongoing inspection and repair program. The report shall include: (i) a description of the condition of the building's exterior walls and enclosures, and any surveys, inspections or repair work performed; (ii) recommendations by the professional for any necessary repairs or remedial work; (iii) a proposed schedule for completion of the recommended repairs or remedial work; and (iv) any other information requested by the commissioner that he deems relevant and reliable. The report shall be signed by and bear the seal of the professional and be in the format set forth in the rules and regulations.

"Owner" shall have the same meaning ascribed to that term in Section 13-4-010 of this code.

"Professional" shall mean an Illinois licensed architect or Illinois licensed structural engineer.

13-196-032 Maintenance Of Exterior Walls And Enclosures -- Application.

Exterior walls and enclosures of buildings that are 80 feet or more in height above grade shall comply with Sections 13-196-033 to 13-196-037.

13-196-033 Maintenance Of Exterior Walls And Enclosures -- Critical Examinations.

(a) The owner of every building 80 feet or more in height above grade shall, at intervals designated in rules and regulations:

- (1) arrange for periodic critical examinations of the building; and
- (2) submit the critical examination report to the commissioner.

(b) The initial critical examination report shall be submitted for all buildings constructed prior to January 1, 1950, by December 1, 2003, and on all buildings constructed on or after January 1, 1950, by December 1, 2004. The initial critical examination report for buildings constructed after the effective date of this 2007 amendatory ordinance shall be submitted as designated in the rules and regulation.

(c) Following the initial critical examination, the building shall be subsequently critically examined, and the critical examination report submitted, at the intervals designated in the rules and regulations. Any building which cannot be categorized according to the information contained in a previously submitted critical examination report shall be required to supplement the report with a certification by a professional as to which category the building belongs.

(d) The owner shall perform the necessary repairs and remedial work set forth in the critical examination report. Nothing in this section shall be construed as authorizing any owner to make any repairs or perform any remedial work without the proper permits.

13-196-034 Maintenance Of Exterior Walls And Enclosures -- Ongoing Inspection And Repair Program.

(a) The owner of every building 80 feet or more in height above grade shall, at intervals designated in rules and regulations:

(1) establish an ongoing inspection and repair program for the years intervening the critical examinations of the building; and

(2) submit the ongoing inspection and repair program report to the commissioner.

(b) The owner shall perform the necessary repairs and remedial work set forth in the ongoing inspection and repair report. Nothing in this section shall be construed as authorizing any owner to make any repairs or perform any remedial work without the proper permits.

13-196-035 Maintenance Of Exterior Walls And Enclosures -- Reporting.

(a) For every ongoing inspection and repair report, and for every critical examination report, the owner shall submit the report, accompanied by a filing fee, to the building commissioner.

(b) 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 building commissioner makes a determination that the report is acceptable.

(c) 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.

(d) The commissioner may, in rules and regulations, establish the amount of any fee and appropriate timeframes for the submission of any report, required by this section.

13-196-036 Maintenance Of Exterior Walls -- Retention Of Records At The Building.

It shall be the duty of the owner to retain at the building for which the reports were prepared a copy of: (1) the most recent critical examination report; and (2) any ongoing inspection and repair reports prepared after the most recent critical examination report.

13-196-037 Maintenance Of Exterior Walls And Enclosures -- Unsafe Exterior Walls And Enclosures.

(a) It shall be the duty of the owner of every building regardless of the height to maintain the building's exterior walls in a safe condition.

(b) If, in the determination of the commissioner, any exterior wall or enclosure of any building, regardless of the height of the building, is in an unsafe condition, the building commissioner may require the owner: (1) to take appropriate precautionary measures, which may include the erection of a construction canopy; and (2) effect such repairs or reinforcements in a timely manner to remediate such unsafe condition.

(c) In addition to any other requirements imposed by the commissioner pursuant to subsection (b) of this section, the owner of any building found to have an exterior wall or enclosure in an unsafe condition shall:

(1) take immediate action to have a critical examination performed upon the building;

(2) provide to the building commissioner a critical examination report subject to the requirements of Section 13-196-035;

(3) obtain all necessary permits and promptly begin and complete the removal, reinforcement and permanent repairs necessary to make the premises conform to the building provisions of this code, and provide structurally safe conditions; provided that nothing in this section shall be construed as authorizing the owner to make any repairs or perform any remedial work without the proper permits; and

(4) comply with the requirements of Section 13-196-036.

(d) It shall be the duty of the owner and the duty of the professional to notify the commissioner immediately, by telephone and in writing, upon the determination by the professional that an exterior wall or enclosure is in an unsafe condition, or if any failure of an exterior wall is noted.

13-196-038 Rules And Regulations.

The commissioner may issue rules and regulations for the administration and enforcement of the minimum requirements for the maintenance of exterior walls and enclosures. The rules and regulations may also include the classification of buildings, intervals for the performance of critical examinations and ongoing inspections and repairs programs, and the intervals and format of the submission of critical examination reports and ongoing inspection and repair reports. Any person violating any rule or regulation shall be subject to the fines prescribed in Section 13-196-039.

13-196-039 Fines And Penalties.

(a) Failure to make a report or to maintain an exterior wall or enclosure as required by Section 13-196-031 through and including Section 13-196-037, or any

person who violates Section 13-196-030, Section 13-196-204 or Section 13-196-209 shall be punishable by a fine of not less than \$1,000.00 and not more than \$2,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense for which a fine shall be imposed.

(b) Any owner and any other person found in violation of Section 13-196-030 through and including Section 13-196-037 shall be jointly and severally liable for such costs awarded or assessed under Chapter 1-20 of this code.

SECTION 2. Chapter 13-196 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by adding the language underscored, as follows:

13-196-030 Structural Stability.

(a) If there is any doubt as to the structural stability of any building or structure, or parts thereof, the building commissioner may request such require the owner to have the building or structure, or parts thereof, to be critically examined by a licensed architect or registered structural engineer employed by such the owner, agent or person in charge, possession or control of any such building, structure, or part thereof.

(b) Said The owner shall submit a report, in writing, prepared and signed by a licensed architect or registered structural engineer shall render a report in writing, showing the structural condition of the building, structure or part thereof. The content and format of the report shall comply with the rules and regulations, and two Two copies of the report shall in turn be submitted to the building commissioner. One copy of said report shall, if satisfactory, be retained by the building commissioner, and one be returned to the owner, agent or person in charge, possession or control of said building, structure or parts thereof, bearing a stamp of approval signed by said building commissioner. The report shall not be considered filed until the report is determined to be acceptable by the building commissioner.

(c) The commissioner may issue rules and regulations for the administration and enforcement of this section.

SECTION 3. This ordinance takes effect ten (10) days after its passage and publication.