



City of Chicago



O2020-3443

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 6/17/2020

Sponsor(s): Lightfoot (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Titles 2 and 15 by adding new Chapter 2-30 entitled "Multiagency Regulation of Implosions" and Section 15-4-311 providing for additional requirements for license to use explosives for demolition of buildings/structures

Committee(s) Assignment: Committee on Zoning, Landmarks and Building Standards

ORDINANCE

Whereas, the City of Chicago is a home rule unit under Article VII, Section 6(a) of the Illinois Constitution; and

Whereas, as a home rule unit, the City may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and

Whereas, use of explosives to demolish a building or other structure is a complex and hazardous activity that requires the regulatory expertise of multiple city agencies; and

Whereas, a coordinated multiagency regulatory process is necessary to ensure that the use of explosives for the purpose of demolishing buildings or other structures is performed in the manner necessary to safeguard the public health, safety, and welfare; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The Municipal Code of Chicago is hereby amended by adding a new Chapter 2-30 as follows:

Chapter 2-30 MULTIAGENCY REGULATION OF IMPLOSIONS

2-30-010 Definitions.

As used in this chapter:

“Building” shall have the meaning ascribed in Section 14B-2-202.

“Explosive” shall have the meaning ascribed in Section 14F-2-202.

“Property line” shall have the meaning ascribed in Section 17-17-02130.

“Structure” shall have the meaning ascribed in Section 14B-2-202.

“Zoning lot” shall have the meaning ascribed in Section 17-17-02197.

2-30-020 Moratorium on use of explosives for demolition.

A moratorium is hereby imposed on the use of explosives for the purpose of demolishing buildings or other structures. While this moratorium is in effect, it shall be unlawful for any person to use explosives for the purpose of demolishing any structure. While this moratorium is in effect, no department or agency shall issue a permit or license authorizing the use of explosives for the purpose of demolishing any structure. Any such permit or license previously issued is hereby revoked as of the effective date of this ordinance. This moratorium shall remain in effect until the Corporation Counsel certifies that the rules authorized by Section 2-32-030 are in full force and effect.

2-30-030 Rulemaking.

(a) Within 150 days of the effective date of this Chapter, the following officials shall propose rules regulating the use of explosives for the demolition of buildings or other structures related to each official's responsibilities under the Municipal Code or shall certify in writing to the Corporation Counsel that no such rules are required:

- (1) The Commissioner of Buildings,
- (2) The Commissioner of Business Affairs and Consumer Protection,
- (3) The Fire Commissioner,
- (4) The Commissioner of Public Health,
- (5) The Commissioner of Transportation,
- (6) The Commissioner of Water Management, and
- (7) The Executive Director of Emergency Management and Communications.

(b) All rules proposed under subsection (a) shall be posted on a public web site and made available for public comment for a period of not less than 60 days. Any official required to propose rules under section (a) may hold a public meeting to solicit public comment on rules proposed by that official and, if so, a transcript of the public meeting shall be prepared.

(c) Each official who proposed rules for which public comments were received, either in writing or at a public meeting, shall prepare a concise written response to the public comments and may make appropriate changes to the rules proposed by the official based on the public comments. Each official shall submit the responses and final rules to the Corporation Counsel, who shall make such responses and final rules publicly available. Final rules shall take effect 10 days after they are made publicly available by the Corporation Counsel.

(d) Any rule proposed under subsection (a) and any final rule submitted under subsection (c) which addresses requirements for public notices, public meetings, or community notifications shall incorporate requirements to ensure language access consistent with Chapter 2-40 of the Municipal Code.

SECTION 2. Chapter 15-4 of The Municipal Code of Chicago is hereby amended by adding a new Section 15-4-311 as follows:

15-4-311 Additional requirements for license to use explosives for demolition of a building or other structure.

In addition to the requirements in Section 15-4-310, an application for a license to use explosives for the purpose of demolishing a building or other structure shall be subject to the following:

(a) *Comprehensive plan.* The application shall include a comprehensive plan describing the use of explosives, including but not limited to an overview of the entire project timeline and scope, the security plan, the transportation plan, the operational plan, the occupational health

and safety plan, the hazardous materials abatement plan, the dust mitigation plan, the air quality monitoring plan, the community notification plan, the rodent abatement plan, the emergency response plan, and the site cleanup plan.

(b) *Written notice.* The application shall include evidence that the applicant mailed written notice to the owners and occupants of all buildings located within 1,000 feet of the property lines of the zoning lot where explosives will be used and to the alderman of the ward in which the zoning lot is located. This notice shall describe the intended use of explosives, include the date, time, and location of the public meeting required by subsection (d), and provide an emergency contact phone number which will be continuously monitored by the applicant from the date of the notice until completion of the demolition. Such evidence shall include a copy of the notice, a list of addressees, and a description of the date and method of mailing.

(c) *Posted notice.* The application shall include photographic evidence that the applicant has installed at the site where explosives will be used, in a location visible and legible from the public way, a sign that is at least 4 feet tall and 8 feet wide, with lettering at least 6 inches tall, describing the intended use of explosives, the date, time, and location of the public meeting required by subsection (d), and an emergency contact phone number which will be continuously monitored by the applicant from the date of the notice until completion of the demolition. This sign shall remain in place until the completion of the use of explosives.

(d) *Public meeting.* The application shall include details of a public meeting, to be hosted by the applicant at the sole expense of the applicant, which shall provide attendees at least two hours to ask questions of the applicant regarding details of the comprehensive plan required by subsection (a). This public meeting shall be held no less than 30 days and no more than 60 days after the date the application is filed with the Commissioner of Business Affairs and Consumer Protection. This public meeting shall be held at a location within two miles of the site where explosives will be used and accommodate in person attendance by at least 50 attendees. Any change in the date or time of the public meeting shall require a new application.

(e) *Coordination.* The Office of Emergency Management and Communication shall convene a meeting between the applicant and all relevant city agencies to review the comprehensive plan. The use of explosives may not proceed unless each relevant city agency approves of the comprehensive plan. The Office of Emergency Management and Communication shall operate an incident command post on the date explosives will be used. On the date explosives will be used and prior to the use of explosives, the applicant shall submit to the incident command post a signed certification that all protective measures required under the approved comprehensive plan are in place and operational.

The applicant shall reimburse the city for direct and indirect costs related to operation of the incident command post and related city services.

For purposes of this subsection, relevant city agencies include, but are not limited to, the Departments of Buildings, Fire, Police, Public Health, Streets and Sanitation, and Transportation.

(f) *Validity.* A license issued for this purpose shall be valid only on a date or range of dates specified by the Executive Director of Emergency Management and Communications. In no case shall this date be less than 90 days after the date on which the application was filed with the Commissioner of Business Affairs and Consumer Protection, nor less than 30 days after the public meeting required by subsection (d).

(g) *Additional requirements.* A license issued for this purpose shall not be valid unless the applicant also complies with the following requirements:

(1) Obtains a public way obstruction permit pursuant to Section 10-28-281.2 or a determination by the Commissioner of Transportation that such a permit is not required.

(2) Complies with the permit and notification requirements of Section 11-4-2170.

(3) Obtains a water use permit pursuant to Section 11-12-070.

(4) Obtains a demolition permit pursuant to Section 14A-4-407.

(5) Provides additional community notifications, no less than 7 and no more than 30 days prior to the date explosives will be used, in a form and manner approved by the Executive Director of Management and Communications. The Executive Director may require that such notifications be mailed, hand delivered, or electronically or telephonically transmitted and provided in multiple formats or languages where the Executive Director determines such steps are needed to adequately inform the community of the intended use of explosives.

(6) Complies with the Illinois Explosives Act.

SECTION 3. This ordinance shall take effect upon passage and approval.