



City of Chicago



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Meeting Date:	5/28/2014
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Amendment of Municipal Code Titles 13, 15 and 17 regarding water tanks
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

May 28, 2014

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Buildings Commissioner, I transmit herewith an ordinance amending various provisions of the Municipal Code regarding water tanks.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor



ORDINANCE

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

SECTION 1. Section 13-20-330 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-20-330 Tanks – Inspection required.

~~Every tank having~~ Except as otherwise provided in Sections 13-20-310 and 13-20-320, if a tank has a capacity of more than 250 gallons, and the tank is located above the roof or above the floors of any building, or is located on any other structure, except as provided by Sections 13-20-310 and 13-20-320, shall ~~such tank, including any tank supporting structure as defined in Section 13-96-415, may~~ be inspected annually by the building commissioner as provided by this chapter.

SECTION 2. Section 13-20-340 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-20-340 Tanks – Inspection fee.

~~For every such annual inspection~~ If a tank, including any tank supporting structure as defined in Section 13-96-415, is inspected by the building commissioner under Section 13-20-330, it shall be the duty of the owner to pay an inspection fee of \$50.00 \$150.00 shall be charged, in accordance with Section 13-20-012, for each such tank inspection.

SECTION 3. Section 13-20-650 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

13-20-650 Height and location.

Sign size and location shall be limited as follows:

(Omitted text is unaffected by this ordinance)

(i) No sign shall be attached to or supported by a chimney ~~or water tank~~ unless special permission has been obtained in writing from the building commissioner before the permit is issued.

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 13-32-231 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-32-231 Rooftop gravity tank or tank supporting structure ~~wrecking~~ – Permit required for wrecking.

(1) It shall be unlawful for any person to demolish, in whole or in part, any rooftop gravity tank or tank supporting structure, or to demolish any building on which a rooftop gravity tank or tank supporting structure is located without first having obtained a permit to wreck or tear down such tank or tank supporting structure from the commissioner of buildings. The permit required under this section shall be in addition to any other permit required by law.

~~(2) No permit shall be issued under this section, for a period not to exceed 90 days, in order to enable the department of planning and development to explore options to preserve the tank, including, but not limited to, possible designation of the tank as a Chicago landmark in accordance with Article XVII of Chapter 2-120 of this code. The 90 days shall begin to run on the date that a copy of the application for the demolition permit is submitted by the applicant to the landmarks division of the department of planning and development, along with (i) a photograph accurately showing the current condition of the tank identified in the permit application, and (ii) if no part of the tank is visible from the public way at any distance or angle, a statement to that effect verified by affidavit. The 90 days may be extended for an additional period by mutual agreement between the applicant and the department of planning and development. This subsection (2) shall not apply to permit applications for the demolition of any tank if demolition is necessary to remedy conditions imminently dangerous to life, health or property as determined in writing by the department of buildings or the fire department; nor shall this subsection (2) apply if the permit applicant can prove, to the satisfaction of the commissioner of buildings, that the tank was constructed in its entirety after December 31, 1999.~~

~~(3) Nothing in this section shall be construed to alter in any way the authority of or the process by which the commission on Chicago landmarks and the city council approve the issuance of demolition permits if such approval is required by this code-Code.~~

(3) Nothing in this section shall be construed to alter in any way the authority of or the process by which the building commissioner exercises his or her emergency demolition powers under this Code or pursuant to a court order.

(4) For purposes of As used in this section, the following terms shall have the meanings ascribed to them in this subsection:

~~“Public way” means any sidewalk, street, alley, highway or other public thoroughfare located at ground level.~~

~~“Rooftop gravity tank” or “tank” means any wooden or metal container which was originally designed or converted (i) holds or was originally designed to hold water to supply a sprinkler system at gravity pressure, or to support a building's manufacturing system at gravity pressure, or to support a building’s domestic water system at gravity pressure; and (ii) is elevated on a rooftop or is free-standing; and (iii) is visible, in whole or in part, from the public way at any distance or angle.~~

“Tank supporting structure” has the meaning ascribed to the term in Section 13-96-415.

SECTION 5. Article XI of Chapter 13-96 of the Municipal Code of Chicago is hereby amended by inserting, in Article XI of that chapter, a new Section 13-96-415, as follows:

13-96-415 Definitions.

As used in this Article XI:

“Exposed tank” or “exposed tank supporting structure” means any tank or supporting structure that is located on the exterior of a building or is otherwise exposed to the elements.

“Tank(s)” means any water tank with a capacity of more than 250 gallons, regardless of whether the tank is holding water.

“Tank supporting structure” or “supporting structure” means any structure used to support a tank regardless of whether a tank is affixed to such supporting structure. The term “supporting structure” shall be construed broadly to include anchors, guides, tracks, mounting brackets, mounting hardware of any type and all other forms of tank support.

SECTION 6. Section 13-96-420 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-96-420 Tanks Water tanks and tank supporting structures.

(a) *Construction.* ~~Water tanks~~ Tanks shall be designed and constructed in accordance with the structural requirements of this Code.

(b) *Supporting Structure.* ~~Tanks of more than 500-gallon capacity~~ shall be supported on masonry, reinforced concrete, steel or other approved noncombustible construction. When such supporting construction is located within a building, ~~it~~ the tank supporting construction shall be ~~protected to comply with the requirements~~ of Type I-A construction.

(c) *Maintenance.* The owner, agent or person in charge, possession or control of

(1) any building upon which or above which any tank or tank supporting structure is located, or (2) any free-standing tank, shall have a duty to maintain such tank and tank supporting structure, as applicable, in good and safe condition. If the tank is an exposed tank, a rustproof plate or tag shall be attached to the tank or to its supporting structure. Such tag or plate shall show, in letters or figures at least 2 inches high, the month and year in which the tank and its supporting structure were installed.

(d) *Critical examination required.* No later than June 25, 2015, or within one year of the date on which a tank or tank supporting structure is erected or installed, whichever comes sooner, and at least once every two years thereafter, it shall be the duty of the owner, agent or person in charge of (1) any building upon which or above which any tank or tank supporting structure is located, or (2) any free-standing tank, to subject the tank and tank supporting structure to a critical and invasive examination by an architect or structural engineer holding a valid license in the State of Illinois. After examining the tank and its supporting structure, as applicable, the licensed architect or licensed engineer shall prepare a written report attesting to its internal and external structural condition and integrity. Two copies of the report shall be submitted to the building commissioner, along with a report review fee of \$75.00, which fee shall be payable to the department of finance. If the report is satisfactory to the building commissioner, one copy of the report, bearing the building department's stamp of approval, shall be returned by the building commissioner to the owner, agent or person in charge of the building identified in the report. If the report is not satisfactory to the building commissioner, subsection (e) of this section shall apply. This subsection (d) shall apply regardless of whether a tank is affixed to the tank supporting structure.

(e) *Unsafe tanks and supporting structures.* If, as a result of a critical examination under subsection (d) of this section or an inspection by an authorized city official, the building commissioner determines that a tank or tank supporting structure is in an unsafe condition or is in need of repair or reinforcement, the building commissioner shall so notify the owner, agent, or person in charge of the applicable building or structure. Such notice shall be accompanied by an order from the building commissioner directing such owner, agent or person in charge to (1) immediately take whatever temporary action is required, including, but not limited to, temporary repairs, temporary reinforcements or other appropriate precautionary measures, to protect the public safety until such time that the tank and its supporting structure is restored to good and safe condition or is removed, and (2) begin and complete, without undue delay, any permanent repairs, permanent reinforcements or other permanent measures required to bring the tank or tank supporting structure into compliance with the Chicago Building Code, which measures may include permanent removal of the tank or its supporting structure.

(f) *Effect of rust protection on an exposed tank.* The application of any form of paint, galvanizing, wrapping or similar coating shall not be considered to be a form of protection

sufficient to exempt an otherwise exposed tank or exposed tank supporting structure from the provisions of this section.

(g) *Signs on tanks and tank supporting structures – Prohibited.* No person shall paint any sign on, or attach any sign to, any (1) exposed tank or exposed tank supporting structure located upon or above any building or structure, or (2) free-standing tank, including, but not limited to, any painted sign, adhesive material sign or vinyl sign.

(h) *Miscellaneous items on tanks and tank supporting structures – Prohibited.* No person shall affix any miscellaneous item to any (1) exposed tank or exposed tank supporting structure located upon or above any building or structure, or (2) free-standing tank, including, but not limited to, any antenna, satellite, wireless communication facility, communication equipment, lighting equipment, or any associated hardware or wiring.

(i) *Rules and regulations.* The building commissioner is authorized to promulgate rules and regulations necessary or appropriate to implement, administer and enforce this section.

(j) *Penalty.* In addition to any other penalty provided by law, any person who violates this section shall be fined not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 7. Section 13-96-820 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-96-820 General requirements.

~~Exposed~~ Except as otherwise provided in Article XI of this chapter, metal structures shall conform to the provisions of Sections 13-96-830 to 13-96-870, inclusive. For purposes of this Article XVIII, the term “exposed metal structures” shall ~~be read broadly to include tank and sign structures, antennae, canopies, marquees, fire escapes, flagpoles, metal cornices, smoke stacks, permanently installed scaffolding (e.g., equipment installed for window cleaning and related services), and other structures and equipment permanently mounted or installed on the exterior of a building.~~ For purposes of this Article XVIII, the term “supports” shall be read broadly to include anchors, guides, tracks, mounting brackets, other mounting hardware and all other forms of support.

SECTION 8. Section 13-96-830 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

13-96-830 Maintenance.

It shall be the duty of the owner, agent or person in charge, possession or control of any building upon which or above which any exposed metal structure is ~~now located or which may be erected;~~ to maintain all such structures and their supports in a good and safe condition. ~~Any exposed tank of larger than 250 gallons shall have a rustproof plate or tag attached to such tank or its supports, which tag shall show in letters or figures at least two inches high, the year and month in which the tank and its supports were installed.~~

SECTION 9. Section 13-96-840 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-96-840 Inspection.

Within two years after the date on which the erection or installation of any an exposed metal structure and or its supports, supporting structure permitted by this Code is erected or installed upon or above the roof of any building, and at least once every five years thereafter, ~~every such exposed metal structure now existing or hereafter erected and its supports shall be it shall be the duty of the owner, agent or person in charge of such building to subject the exposed metal structure and its supporting structure to a critical examination by a licensed an architect or an Illinois licensed structural engineer holding a valid license in the State of Illinois, employed by the owner, agent or person in possession or control of the building. The After examining the exposed metal structure and its supporting structure, as applicable, the licensed architect or licensed structural engineer shall prepare a written report in writing showing the structural condition of the structure and its supports attesting to its external structural condition and integrity.~~ Two copies of the report shall be submitted to the building commissioner, along with a A report review fee in the amount of \$25.00, which shall be payable to the department of finance, shall be required at the time of submission to the building commissioner. One If the report is satisfactory to the building commissioner, one copy of the report, bearing the building commissioner's stamp of approval shall, if satisfactory to the building commissioner, be returned by the building commissioner to the owner, agent or person in possession or control charge of the building identified in the report, bearing a stamp of approval, signed by the building commissioner. If the report is not satisfactory to the building commissioner, Section 13-96-860 shall apply. Any person or entity who fails to comply with the provisions of who violates this section shall be fined not less than \$100.00 but not nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 10. Section 13-96-850 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-96-850 Compliance.

Every wood or metal structure ~~now existing or hereafter erected, that is~~ placed on the ground, ~~for the purpose of supporting tanks, signs, etc., any sign or other structure regulated under this Article XVIII, under circumstances where such~~ which structure extends 25 feet above the level of the surrounding ground surface shall, within one year after the passage of this ordinance, and at least once every five years thereafter, be subject to the same requirements provided by this chapter Article XVIII for metal structures on or above roofs.

SECTION 11. Section 13-96-860 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-96-860 Unsafe structures.

~~Every such structure found to be in an unsafe condition or in need of repairs or reinforcement or precautionary measures, shall be subject to notice by the building commissioner to the owner, agent, or person in charge, control or possession of the building or premises where such structure is located, immediately to effect such repairs, reinforcements or precautionary measures, as will bring the structure in a good and safe condition and further without delay, to begin and complete the work of permanent repairs, reinforcement or removal, which may be required to make the premises conform to the building provisions of this Code. If, as a result of a critical examination under Section 13-96-840 or an inspection by an authorized city official, the building commissioner determines that any exposed metal structure or other structure or equipment regulated under this Article XVIII, or its supporting structure, is in unsafe condition or in need of repair or reinforcement, the building commissioner shall so notify the owner, agent, or person in charge of the applicable building or structure. Such notice shall be accompanied by an order from the building commissioner directing such owner, agent or person in charge to (1) immediately take whatever temporary action is required, including, but not limited to, temporary repairs, temporary reinforcements or other appropriate precautionary measures, to protect the public safety until such time that the exposed metal structure or other structure and equipment regulated under this Article XVIII, and its supporting structure, is restored to good and safe condition or is removed, and (2) begin and complete, without undue delay, any permanent repairs, permanent reinforcements or other permanent measures required to bring the exposed metal structure or other structure and equipment regulated under this Article XVIII, and its supporting structure, into compliance with the Chicago Building Code, which measures may include permanent removal of the structure or equipment or its supporting structure.~~

SECTION 12. Section 13-96-870 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-96-870 Rust protection.

For the purposes of this ~~chapter~~ Article XVIII, ~~no~~ the application of any form of paint, galvanizing, wrapping or similar coating shall not be considered as to be a type of a protection, exempting sufficient to exempt an otherwise unprotected exposed metal structures structure from the provisions ~~thereof~~ of this Article XVIII.

SECTION 13. Chapter 13-96 of the Municipal Code of Chicago is hereby amended by inserting, in Article XVIII of that chapter, a new Section 13-96-875, as follows;

13-96-875 Rules and regulations.

The building commissioner is authorized to promulgate rules and regulations necessary or appropriate to implement, administer and enforce this Article XVIII.

SECTION 14. Section 15-16-290 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

15-16-290 Gravity tanks.

Gravity tanks ~~may be of wood or of steel; they shall be constructed and maintained~~ installed in accordance with the requirements of the Chicago Building Code in place at the time such construction or installation occurred. Provided, however, that gravity tanks constructed after June 25, 2014, shall be constructed and installed in accordance with provisions of N.F.P.A. Standard 22, Standard for Water Tanks for Private Fire Protection, 1993 2013 Edition, as amended. Provided further, that all gravity tanks, regardless of the date of construction or installation, shall be maintained and disassembled in accordance with the latest edition of N.F.P.A. Standard 22, as amended.

SECTION 15. Section 17-9-0118 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting the language underscored, as follows:

17-9-0118 Wireless Communication Facilities.

17-9-0118-A General Standards.

(Omitted text is unaffected by this ordinance)

8. No wireless communication facility or accessory structure or any portion thereof, including but not limited to, any associated mounting equipment, hardware or wiring, shall be located on or attached to any rooftop gravity tank or rooftop gravity tank supporting structure.

SECTION 16. Section 17-9-0118-C of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through, as follows:

17-9-0118-C Co-Location by Attachment to Existing Structure. This subsection addresses the installation of a tower or antenna and associated equipment on an existing structure, other than a *wireless communication facility* wireless tower, including but not limited to buildings, light poles, ~~water towers~~, commercial *signs*, church steeples, and any other freestanding structures. Such co-located *wireless communication facilities*, including associated equipment and *accessory structures*, are subject to the following minimum standards:

(Omitted text is unaffected by this ordinance)

SECTION 17. Section 17-9-0118-G of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting the language underscored, as follows:

17-9-0118-G Waiver. The Zoning Board of Appeals may waive any of the non-federally-mandated requirements of this section pertaining to height limitations, setback requirements, and camouflage and landscaping if it determines that the goals of this section are better served thereby. Provided, however, that the Zoning Board of Appeals may not waive any of the non-federally-mandated requirements of this section pertaining to the prohibition of wireless communication facilities on rooftop gravity tanks and rooftop gravity tank supporting structures.

(Omitted text is unaffected by this ordinance)

SECTION 18. Section 17-9-0203 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting the language underscored, as follows:

17-9-0203 Satellite Dish Antennas.

(Omitted text is unaffected by this ordinance)

17-9-0203-D No satellite dish or *accessory structure* or any portion thereof, including but not limited to, any associated mounting equipment, hardware or wiring, shall be located on or attached to any *rooftop gravity tank* or *rooftop gravity tank supporting structure*.

SECTION 19. Chapter 17-17 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting, in correct alphabetical order, a new Section 17-17-02150.1, as follows:

17-17-02150.1 Rooftop gravity tank. Any wooden or metal container which was originally designed or converted (i) to hold water to supply a sprinkler system at gravity pressure, or to support a building's manufacturing system at gravity pressure, or to support a building's domestic water system at gravity pressure, regardless of whether the container is holding water; and (ii) is elevated on a rooftop or is free-standing.

SECTION 20. Chapter 17-17 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, is hereby amended by inserting, in correct alphabetical order, a new Section 17-17-02150.5, as follows:

17-17-02150.5 Rooftop gravity tank supporting structure. Any structure used to support a *rooftop gravity tank* regardless of whether a tank is affixed to such supporting structure. The term "supporting structure" shall be construed broadly to include anchors, guides, tracks, mounting brackets, mounting hardware of any type and all other forms of tank support.

SECTION 21. SECTION 1 of an ordinance passed on July 26, 2006 and published at pages 81369-81372 of the *Journal of the Proceedings of the City Council of the City of Chicago* of that date is hereby repealed in its entirety.

SECTION 22. SECTION 2 of an ordinance passed on July 26, 2006 and published at pages 81369-81372 of the *Journal of the Proceedings of the City Council of the City of Chicago* of that date is hereby repealed in its entirety.

SECTION 23. This ordinance shall take full force and effect upon its passage and publication.