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Meeting Date:	12/14/2011
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	<i>Amendment to various sections of Municipal Code regarding heliports</i>
Committee(s) Assignment:	Committee on License and Consumer Protection



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

December 14, 2011

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

Ladies and Gentlemen:

At the request of the Commissioner of Business Affairs and Consumer Protection, I transmit herewith an ordinance amending various sections of the Municipal Code regarding heliports.

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 4-5-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-5-010 Establishment of license fees.

This chapter shall establish fees for various licenses created by this title unless otherwise provided.

(Omitted text is unaffected by this ordinance)

(41)	[Reserved] <u>Heliports (4-83)</u>	<u>\$400.00</u>
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(Omitted text is unaffected by this ordinance)

SECTION 2. Title IV of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 4-83, as follows:

**CHAPTER 4-83
HELIPORTS**

4-83-010 Definitions.

As used in this chapter:

“ASCE/SEI” means the American Society of Civil Engineers/Structural Engineering Institute.

“Commissioner” means the commissioner of business affairs and consumer protection or the commissioner’s designee, unless otherwise explicitly stated in this chapter.

“Department” means the department of business affairs and consumer protection, unless otherwise explicitly stated in this chapter.

“Controlling person” means any person who: (1) is a sole proprietor or an officer, director, manager, managing member, partner, general partner or limited partner of an entity seeking or holding a license under this chapter; or (2) owns, directly or indirectly through one or more intermediate ownership entities, 25 per cent or more of the interest in an entity seeking or holding a license under this chapter.

“Heliport” means an area on land or on water or upon a building or structure set aside and used for the landing or takeoff of helicopters or other rotary wing aircraft or tilt rotor aircraft capable of vertical takeoff or landing, including, but not limited to, any heliport, helistop or vertiport as defined in the Chicago Zoning Ordinance.

“NFPA” means the National Fire Protection Association.

4-83-020 License – Required.

It shall be unlawful for any owner or person in control of any property located within the city or for any other person to operate thereon any heliport without first having obtained a heliport license under this chapter. Provided, however, that this chapter shall not apply to any heliport that is (1) located on the property of Chicago O’Hare International Airport or Chicago Midway International Airport; or (2) owned or operated by the City of Chicago.

4-83-030 License – Fee.

The fee for a heliport license shall be as set forth in Section 4-5-010.

4-83-040 License – Application.

An application for a license under this chapter shall be made in writing to the commissioner, on a form provided by the department, and shall be accompanied by the following information:

- (a) If the applicant is an individual:
 - (1) the applicant’s full name, residence address, business address, business e-mail address, business telephone number, cell phone number, date of birth and social security number;
 - (2) proof that the applicant is at least 18 years of age;
- (b) If the applicant is a corporation:
 - (1) the corporate name, address, e-mail address and telephone number of the applicant’s principal office or place of business;
 - (2) the date and state of incorporation;
 - (3) the name, residence address, residence telephone number, date of birth and social security number of all controlling persons and registered agents;
 - (4) proof that all controlling persons are at least 18 years of age;
 - (5) proof that the corporation is in good standing under the laws of the State of

Illinois;

- (c) If the applicant is a partnership or limited liability company:
 - (1) the name, address, e-mail address and telephone number of the applicant's principal office or place of business;
 - (2) the name, residence address, residence telephone number, date of birth and social security number of all partners, if a general partnership; of all general and limited partners, if a limited partnership; of all managers, managing members and members, if a limited liability company; and of all controlling persons and registered agents;
 - (3) proof that all controlling persons are at least 18 years of age;
- (d) A copy of the determination of "no hazard to air navigation" issued by the Federal Aviation Administration in accordance with the requirements of Part 157 of Subchapter I of Chapter I of Title 14 of the Code of Federal Regulations, codified at 14 CFR §157.1 et al., or its successor regulation;
- (e) A copy of the Certificate of Approval issued by the Division of Aeronautics of the Illinois Department of Transportation in accordance with the requirements of the Illinois Aeronautics Act, as amended, codified at 620 ILCS 5/1 et al.;
- (f) Proof of planned development review and approval in accordance with the requirements of Section 17-8-502 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, or its successor provision;
- (g) A certificate of commercial general liability insurance, as required under Section 4-83-070;
- (h) An indemnification agreement, as required under Section 4-83-080;
- (i) A description of the property used or intended for use as a heliport;
- (j) A diagram, drawn to scale, showing the intended routes of ingress to and egress from the heliport, including any emergency evacuation routes;
- (k) The date of birth and social security number of each natural person identified in the license application;
- (l) The license fee, as required under Section 4-83-030; and

- (m) Any other information that the commissioner may reasonably require.

It is a condition of the license that all information in the license application be kept current. Any change in required information shall be reported to the commissioner, on a form provided by the department, no later than 10 business days after such change has occurred.

4-83-050 Certification of application required – Circumstances when license issuance prohibited.

(a) Upon receipt of a completed application for a heliport license, the commissioner of business affairs and consumer protection shall (1) notify the commissioner of aviation, the commissioner of buildings, the fire commissioner, the commissioner of housing and economic development and the corporation counsel of the fact that such application has been received; and (2) refer the application and all accompanying information required under Section 4-83-040 to the commissioner of aviation and to the corporation counsel for review. Upon completion of such review and consultation with the corporation counsel, the commissioner of aviation shall certify in writing whether the requirements set forth in Section 4-83-060 have been met.

(b) No heliport license shall be issued under this chapter until the commissioner of aviation certifies that all of the requirements set forth in Section 4-83-060 have been met.

4-83-060 Federal and State approvals – Required.

No heliport license shall be issued under this chapter, and it shall be unlawful for any owner or person in control of any property located within the city or for any other person to operate a heliport thereon, unless all of the following requirements have been met:

(a) A determination of “no hazard to air navigation” has been issued by the Federal Aviation Administration in accordance with the requirements of Part 157 of Subchapter I of Chapter I of Title 14 of the Code of Federal Regulations, codified at 14 C.F.R. §157.1 et al., or its successor regulation; and

(b) A Certificate of Approval has been issued by the Division of Aeronautics of the Illinois Department of Transportation in accordance with the requirements of the Illinois Aeronautics Act, as amended, codified at 620 ILCS 5/1 et al.; and

(c) A planned development review and approval has occurred in accordance with the requirements of Section 17-8-502 of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, or its successor provision; and

(d) Commercial general liability insurance has been obtained in accordance with the requirements of Section 4-83-070; and

(e) An indemnification agreement has been executed in accordance with the requirements of Section 4-83-080.

4-83-070 Insurance – Required.

(a) Any person who owns or operates any heliport within the city, other than a heliport owned or operated by a governmental entity, shall carry or cause to be carried commercial general liability insurance, with limits of not less than \$5,000,000.00 per occurrence for bodily injury, personal injury and property damage, insuring against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to or be recovered from such owner or operator by reason of or on account of damage to the property of, injury to or the death of any person arising in any way from use and occupancy of and operations at such heliport by such owner, operator or other person. The insurance required under this section shall (1) be issued by an insurer authorized to do business in the State of Illinois, and (2) name the City of Chicago as an additional insured on a primary, noncontributory basis to apply with respect to use, occupancy or operations performed by or on behalf of such owner or operator of a heliport for which the City has issued a license under this chapter.

(b) Any person who owns or operates any heliport within the city shall be required at all times to keep on site at such heliport current and valid proof of insurance meeting the requirements of subsection (a) of this section. Upon request by any city inspector or authorized city official, such person shall make such certificate of insurance available for inspection by such inspector or city official.

4-83-080 Indemnification agreement – Required.

Each applicant for a heliport license shall agree, in writing, to indemnify, defend and hold harmless the City of Chicago for any loss that results, directly or indirectly, from the issuance or use of such license.

4-83-090 License–Posting–Nontransferability.

Each license issued under this chapter shall be posted in a conspicuous place near the entrance of the heliport. No transfer of ownership shall be allowed on any license issued under this chapter.

4-83-100 Operations and maintenance – Unlawful acts.

(a) It shall be unlawful for any person to use, or to attempt to use, or to cause or permit to be used, any property to land or take off any helicopter or other rotary wing aircraft in violation of subsection (a) of Section 10-36-380.

(b) It shall be unlawful for any person to operate or maintain a heliport (1) in an unsafe condition, or (2) in violation of any requirement of this Code or any state or federal law pertaining thereto or any rule or regulation promulgated thereunder.

(c) If a heliport is located upon a building, it shall be unlawful for any person to use such heliport or to allow or otherwise permit the use of such heliport or any area contiguous thereto to fuel, refuel or repair any helicopter or other rotary wing aircraft, except as may be provided by regulation for emergency conditions or for storage of aircraft parts, flammable

liquids or other objects.

(d) It shall be unlawful for any person to operate or maintain any heliport in violation of NFPA 418: Standard for Heliports, 2011 edition, or its successor standard.

(e) It shall be unlawful for any person to operate or maintain any heliport in violation of ASCE/SEI 7-10: Minimum Design Loads for Buildings and Other Structures, 2010 edition, or its successor standard.

(f) Except in an emergency, it shall be unlawful for any person operating any helicopter or other rotary wing aircraft to use or to attempt to use or to cause or permit to be used any heliport in violation of subsection (b) of Section 10-36-380.

4-83-110 Joint and several liability.

The licensee and all controlling persons shall be jointly and severally liable for any violation of the requirements of this chapter.

4-83-120 Inspections.

The commissioner of aviation, the commissioner of buildings, the fire commissioner and their respective designees are authorized to conduct periodic inspections of any heliport for the purposes of determining compliance with the requirements of this chapter or any rule and regulation promulgated thereunder.

4-83-130 Orders to cease operations.

The commissioner of aviation, acting solely on his or her own volition or upon the recommendation of the commissioner of business affairs and consumer protection, the commissioner of buildings, the fire commissioner or the commissioner of housing and economic development, may issue an order to cease operations at a heliport, if, after an investigation, the commissioner of aviation determines that such heliport is not being maintained or operated in compliance with the requirements of this chapter or is otherwise unsafe for use as a heliport.

4-83-140 License suspension or revocation – Authorized.

The violation of any provision of this chapter may result in license suspension or revocation in accordance with the requirements of Section 4-4-280.

4-83-150 License revocation – Five year wait for new license.

Except as otherwise provided in this Code, no person whose license is revoked for cause under this chapter shall be granted another heliport license, under the same or different name, for a period of five years from the date of revocation.

4-83-160 Violation – Penalty.

Any person violating any requirement of this chapter or any rule and regulation promulgated thereunder shall be fined not less than \$500.00 nor more than \$5,000.00 for each

offense. Each day such violation continues shall constitute a separate and distinct offense.

4-83-170 Rules and regulations.

The commissioner of aviation, in consultation with the commissioner of business affairs and consumer protection, the commissioner of buildings, the fire commissioner, the commissioner of housing and economic development and the corporation counsel, is authorized to promulgate rules and regulations necessary or appropriate to implement the requirements of this chapter, including, but not limited to, rules and regulations for the construction, maintenance or operation of heliports. Such duly promulgated rules and regulations shall be posted by the commissioner of aviation on the department of aviation's website.

SECTION 3. Article III of Chapter 10-36 of the Municipal Code of Chicago is hereby repealed in its entirety, and replaced with a new Article III of Chapter 10-36, as follows:

ARTICLE III. HELICOPTER OPERATIONS

10-36-380 Helicopter Operations – Prohibitions – Exception for governmental entities.

(a) Except in an emergency or as otherwise provided in this subsection (a), it shall be unlawful for any person operating a helicopter or any other rotary wing aircraft capable of vertical landing and takeoff to use, or to attempt to use, or to cause or to permit to be used, any property to land or take off any helicopter or rotary wing aircraft unless such property is a public airport or a heliport licensed under Chapter 4-83 of this Code. Provided, however, that in the event of a medical or other emergency, a governmental body or agency may use property other than a public airport or duly licensed heliport to land or take off any helicopter or other rotary wing aircraft owned or operated by or under the control of such governmental body or agency.

(b) Except in an emergency, it shall be unlawful for any person operating a helicopter or any other rotary wing aircraft capable of vertical landing and takeoff to use or to attempt to use or to permit or to cause others to use any heliport to land or takeoff such helicopter or rotary wing aircraft at any heliport with a maximum design load less than the maximum gross takeoff weight of such aircraft as determined by the Federal Aviation Administration.

(c) Any person who violates any requirement of this section shall be fined not less than \$500.00 nor more than \$5,000.00 for each offense. Each day such violation continues shall constitute a separate and distinct offense.

SECTION 4. Chapter 17-17 of the Chicago Zoning Ordinance, Title XVII of the Municipal Code of Chicago, is hereby amended by inserting a new Section 17-17-0267.1, as follows:

17-17-0267.1 Heliport – A landing facility for one or more helicopters that may include fueling stations, helicopter storage or other service-related functions, such as, but not limited to, service or maintenance hangers. Heliports may only be located at ground level.

SECTION 5. Chapter 17-17 of the Chicago Zoning Ordinance, Title XVII of the Municipal Code of Chicago, is hereby amended by inserting a new Section 17-17-0267.2, as follows:

17-17-0267.2 Helistops – A landing pad for helicopters that does not typically include fueling stations, helicopter storage or other service or maintenance facilities for routine use. Helistops may be located at ground level or be elevated on a building rooftop or other structure.

SECTION 6. Chapter 17-17 of the Chicago Zoning Ordinance, Title XVII of the Municipal Code of Chicago, is hereby amended by inserting a new Section 17-17-0267.3, as follows:

17-17-0267.3 Vertiport – A landing facility for one or more tiltrotors or helicopters that may include fueling stations, helicopter or tiltrotor storage or other service-related functions, such as, but not limited to, service or maintenance hangers. Vertiports may only be located at ground level.

SECTION 7. Section 17-8-0502 of the Chicago Zoning Ordinance, Title XVII of the Municipal Code of Chicago, is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

17-8-0502 Airports and Heliports. *Planned development* review and approval is required for the development of land for airports and land or air rights to be used for *heliports, helistops or vertiports. Heliports, helistops or vertiports must meet the standards of Section 17-8-0913.*

SECTION 8. Chapter 17-8 of the Chicago Zoning Ordinance, Title XVII of the Municipal Code of Chicago, is hereby amended by inserting a new Section 17-8-0913, as follows:

17-8-0913 Heliports, Helistops or Vertiports. *Heliports, helistops or vertiports* must be approved in accordance with the *planned development* procedures in Section 17-13-0600. In addition, *planned developments* for *heliports, helistops or vertiports* must:

17-8-0913-A Provide a report (including copies of the federal and state applications for the facility) attesting that the proposed *heliport, helistop or vertiport* is in apparent compliance with all current and applicable Federal Aviation Administration regulations, guidelines and/or circulars. The report must likewise attest that the facility is in apparent compliance with any State of Illinois regulations and guidelines governing *heliports, helistops, vertiports* or helicopter or tiltrotor safety, storage, maintenance or other operations. The report must include a narrative detailing all potential users of the *heliport, helistop or vertiport* (whether public, limited use or private); the hours of operation; the frequency of landings; estimated annual fuel sales information; estimated ground time; where helicopters or tiltrotors will park, if applicable; how many helicopters or tiltrotors may be grounded at any one time; and identify any services provided, such as, but not limited to, customer waiting areas, fueling stations, storage tanks, maintenance sheds or hangars, weather instrumentation and wind indicators. The report must be submitted as part of the *planned development* application and is subject to review by the City of Chicago's Department of Aviation. The report and corresponding applications to the Federal Aviation Administration and/or Illinois Department of Transportation are subject to the final review and approval by the Federal Aviation Administration and the Illinois Department of Transportation. An applicant must also obtain and submit a recommendation for the proposed *heliport, helistop or vertiport* from the Chicago Department of Aviation as part of its *planned development* application. The report, along with copies of the federal and state applications, must also be entered, along with the corresponding recommendation from the Department of Aviation, as part of the record to the Chicago Plan Commission, along with all supporting documentation as required in this Section.

17-8-0913-B Applicants for a *heliport* must submit a dimensioned site plan illustrating and including, but not limited to, the following items: landing pad(s); location of any service facilities, including fueling stations and the location of any storage tanks; ingress and egress to and from the facility; parking pads for helicopters, if applicable; parking for service vehicles, emergency vehicles and automobiles, if applicable; and any other relevant information as determined by the Departments of Housing and Economic Development and Aviation.

17-8-0913-C Applicants for a *helistop* must submit a dimensioned site plan illustrating and including, but not limited to, the following items: landing pad(s); ingress and egress to and from the facility; parking pads for helicopters, if applicable; parking for service vehicles, emergency vehicles and automobiles, if applicable; and any other relevant information as determined by the Departments of Housing and Economic Development and Aviation.

17-8-0913-D Applicants for a *vertiport* must submit a dimensioned site plan illustrating and including, but not limited to, the following items: landing pad(s); location of any service facilities, including fueling stations and the location of any storage tanks; ingress and egress to

and from the facility; parking pads for tiltrotors, if applicable; parking for service vehicles, emergency vehicles and automobiles, if applicable; and any other relevant information as determined by the Departments of Housing and Economic Development and Aviation.

17-8-0913-E The number of parking spaces for service vehicles, emergency vehicles and automobiles shall be determined by the Department of Housing and Economic Development.

17-8-0913-F *Heliports, helistops or vertiports* must provide appropriate lighting for daytime operations and evening operations, if applicable.

17-8-0913-G *Heliports, helistops or vertiports* must submit a traffic study for review and approval by the Chicago Department of Transportation, as requested by the Departments of Housing and Economic Development or Transportation.

17-8-0913-H The Department of Housing and Economic Development may require additional setbacks, screening or other buffering, as is deemed necessary, to mitigate the impact of the *heliport, helistop or vertiport* on adjacent land uses.

17-8-0913-I *Heliports, helistops or vertiports* must adhere to appropriate landscape requirements, as determined by the Department of Housing and Economic Development, to reduce wildlife conflicts with operations at such facilities.

17-8-0913-J The Department of Housing and Economic Development may request additional relevant information, as it deems necessary, in order to review each application and to make a recommendation to the Chicago Plan Commission.

SECTION 9. Notwithstanding any language to the contrary in this ordinance, any heliport, as defined in Section 2 of this ordinance, approved for operation by the State and federal government and operating as of the effective date of this ordinance shall, by operation of law, be deemed to be eligible for a heliport license issued by the City of Chicago under Chapter 4-83 of this Code, and shall be deemed to be a legal zoning use, and shall not be prosecuted by the City of Chicago for any failure to have obtained a heliport license issued by the City of Chicago under Article III of Chapter 10-36 of this Code, if the owner or person in control of such heliport has a completed application for a heliport license issued under Chapter 4-83 of this Code on file with the department of business affairs and consumer protection no later than 120 days after the effective date of this ordinance.

SECTION 10. This ordinance shall take full force and effect upon its passage and publication. Provided, however, that Section 4-83-070 shall take full force and effect 30 days after passage and publication of this ordinance.