



# City of Chicago



O2014-6897

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	9/10/2014
<b>Sponsor(s):</b>	Moreno (1)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Municipal Code Chapter 10-28 regarding waiver of permit fees for Special Service Areas
<b>Committee(s) Assignment:</b>	Committee on Finance

Finance

## ORDINANCE

WHEREAS, Special Service Areas (SSAs) are local tax districts that expand services and programs through a localized property tax levy; and

WHEREAS, Structures placed in the public way such as trash cans, bike racks, bike corrals, benches, security cameras, public art projects, landscaping & all other SSA- associated structures are for the betterment of the community and the entire City; and

WHEREAS, SSAs improve our neighborhoods and deliver certain services the City of Chicago does not currently provide due to budget cuts such as servicing trash cans on city sidewalks; and

WHEREAS, When an SSA owns a trash can on the City's park way, the SSA has to fully service that trash can; and

WHEREAS, SSAs are charged a permit fee by the City for using the public way to provide this integral service; and

WHEREAS, The permit process is cumbersome for SSAs and it does not effectively provide a forum for SSAs to efficiently provide their services to the public; and

WHEREAS, Improving the permit process so that SSAs are able to apply for multiple structures throughout the SSA district with only one permit per structure would increase efficiency in the process; and

WHEREAS, Paying yearly permit fees on any and all structures provided by the SSA that are installed along the public way adds up immensely and inhibits the SSA from providing those services due to yearly permit fee costs; and

WHEREAS, SSAs should not have to pay a permit fee so that it can provide clean, green, and safety oriented services to the residents of Chicago, now therefore

BE IT ORDAINED BY THE CITY OF CHICAGO CITY COUNCIL:

### **SECTION 1. Amend 10-28-017 Public way use permit—Fees.**

(a) (1) No fee shall be charged for a public way use that is on or above the public way for the following: (i) In the case of a residential building, as that term is defined in Section 17-17-02146, constructed in or before 1922, a public way use that is part of the original construction and is a permanent structure of the building; provided that in the case of a mixed used building, any public way use that solely is for the use or benefit of any commercial or business activity in the building shall pay the fees as provided for in subsection (b); (ii) in the case of a landmark building, any part of the building which is on or over the public way, including a clock or light fixture if the clock or light fixture is part of the landmark designation, or (iii) if the item placed in the public way, (ie; trash can, bench, security camera, bike rack/ corrals & associated structures, public art, & landscaping and its associated structures) is owned and maintained by a Special

Service Area; whereas tax monies pay for supplemental services in place of City Services that are not provided.

For purposes of this section, a landmark building shall also include any building, other than a non-contributing building in a landmark district.

(2) For any public way use which is below grade level or under the public way or other public place for any building specified in subsection (a)(1) of this section, the fee shall be as set forth in subsection (b).

(b) For all other public way uses not specified in subsection (a), the fees shall be as follows:

<i>Type of Public Use</i>		<i>Annual Fee</i>
(1)	balcony, bay window, bollard, permanent smoking management receptacle, door swing, light pole, park bench, trash container, flag pole, banner	\$75.00 each
(2)	sign	\$300.00/sign 25 square feet or greater \$100.00/sign less than 25 square feet
(3)	awning, marquee, canopy with or without an on-premise sign	\$50.00 for first 25 feet + \$1.00/additional foot
(4)	light fixture	\$75.00 for the first fixture plus \$5.00 for each additional fixture
(5)	windscreen,	\$400.00 each

	clock, fire escape, manhole	
(6)	barber pole	\$10.00
(7)	security camera, bicycle rack, landscaping and its associated structures, portable smoking management receptacle	No fee
(8)	all other uses will be charged per square foot based on a formula that reflects the value of the land within the surrounding area, as established by the commissioner in rules and regulations; provided that there will be a \$400.00 minimum charge for all such uses.	
(9)	notwithstanding the above, the total fee for a public way use permit for any combination of signs less than 25 square feet, canopies, awnings, or light fixtures at the same location, shall not exceed \$175.00 for all such public way uses.	

For purposes of calculating the fee pursuant to this subsection (b), a sign shall not include an awning, canopy or marquee that contains an on-premise sign, as that term is defined in Section 17-17-02109.

(c) A \$50.00 application fee shall be charged for any application for a public way use permit for which no public way use fee is charged pursuant to this section.

(Added Coun. J. 1-13-10, p. 83228, § 1)

#### 10-28-015 Public way use permits – Application and issuance.

(a) An application for a public way use permit shall be made to the department and shall include the following:

- (1) the applicant's name and address, and the name and address of the property owner;
  - (2) a detailed drawing, and/or in the case of multiple items of the same nature, a map and detailed written description of an area's boundaries indicating the location and number of all public way uses on, over or under the public way for which a permit is required;
  - (3) proof of the required insurance;
  - (4) proof of the building's age if the building was constructed in or prior to 1922;
  - (5) the application fee, if applicable; and
  - (6) any other information required by the commissioner.
- (b) The commissioner shall forward a copy of an application for subsidewalk space use to the commissioner of transportation within three days after receipt of the application. No public way use permit for subsidewalk space use shall be issued unless the commissioner of transportation, after reviewing the application, has approved the design of the subsidewalk space use.
- (c) If the commissioner finds that the applicant meets the applicable requirements, the commissioner shall provide the application to the alderman of the affected ward. Upon passage and publication of an ordinance approving the application, the commissioner shall issue the public way use permit to the applicant. If approval by ordinance is withheld, the commissioner shall deny the application and shall notify the unsuccessful applicant in writing of the denial within ten business days after the denial.
- A public way use permit shall be denied or revoked if: (i) the granting of the public way use is not in the best interest of the public, would have a deleterious impact on the neighborhood, or would create a nuisance either on the public way or in the surrounding area; (ii) the design of, or materials used in, the public way use does not comport with the quality or character of the existing streetscape; (iii) the use interferes with or impedes the flow of pedestrian or vehicular traffic, or ingress or egress from any surrounding building, the use of any pole, traffic signs or signals, hydrants, mailboxes or other objects located near the location of the proposed use; or (iv) the applicant makes any false statements, submits any false information or misrepresents any information required under this section.
- (d) The term of a public way use permit shall be for five years. The annual fee for the first year shall be due at the issuance of the permit and the remaining annual fees shall be paid, as provided for in rules and regulations; provided that the proof of insurance required as a condition of the permit be submitted annually, as provided for in the rules and regulations.
- (e) All public way use permits shall be subject to the following:
- (1) Each public way use and the structures and appliances authorized by the permit shall be maintained and used in accordance with all applicable laws, including the ordinances of the city and the directions of the commissioner, the commissioner of streets and sanitation, the building commissioner, and the commissioner of transportation. The permittee shall keep that portion of the public way in, over, under or adjacent to the public way use in good condition and repair, safe for public travel, and free from snow, ice and debris to the satisfaction of the commissioner of transportation.

(2) Notwithstanding any other provision of this section, the public way use granted by the permit is subject to amendment, modification or repeal and a public way use permit may be revoked at the discretion of the mayor or the commissioner at any time, without cause and without the consent of the permittee. Upon termination of the permit, the permittee, at his or her own expense and without cost or expense to the city, shall remove, within 30 days of such termination and without the notice required in Section 10-28-010, the public way use and any structures and appliances authorized by the public way use permit and restore the public way where disturbed by the public way use or by the removal thereof, to a proper condition under the supervision and to the satisfaction of the commissioner of transportation.

(3) In the event of failure, neglect or refusal of the permittee to perform any of his or her obligations, the city may, at its option, either (i) perform such work and charge the cost to said permittee, or (ii) determine what the cost of the work shall be and bill the permittee for the cost, or combine the two methods. Immediately upon receipt of notice of such cost, the permittee shall pay the city such amount.

(4) The permittee shall be responsible for and shall pay for the removal, relocation, alteration, repair, maintenance, and restoration of, city-owned structures or appliances located in or adjacent to the public way, including pavement, bridges, subways, tunnels, vaults, sewers, water mains, conduits, pipes, poles and other facilities and utilities, which are necessary or appropriate on account of the permittee's use of the public way. The commissioner of transportation is authorized, in his or her discretion and from time to time during the permittee's use and occupancy of the public way until the restoration of the public way, to determine the work which is or will be necessary or appropriate and the cost involved to perform such work and is authorized to collect a deposit prior to commencing any work and to charge the permittee all actual costs for causing all such work to be performed. The decision of the commissioner of transportation shall be final and binding. The permittee, upon receiving written notification from the commissioner of transportation of the required deposit or the cost of such work, shall immediately pay or deposit such amount as directed by the commissioner.

(5) The permittee shall furnish to the department, prior to issuance of the public way use permit, a certificate of insurance evidencing coverage in an amount not less than \$1,000,000.00, combined single limit, with the insurance covering all liability, both public liability and property damage, that may result from issuance of the permit or use of the public way. The certificate of insurance shall name the city and its agents and employees as additional insureds and shall also clearly indicate that the public way use being permitted is covered by the insurance policy. Every policy required shall require 30 days advance notice to the commissioner prior to cancellation. Certificates renewing such insurance coverage must be furnished to the department no later than 30 days prior to the expiration of the policy. The insurance coverage shall be maintained at all times by the permittee until: (i) the public way use authorized by the permit is removed; (ii) the public way is restored to the satisfaction of the commissioner of transportation; and (iii) all fees due the city have been paid.

(6) The permittee shall indemnify, keep and save harmless the city, its agents and employees against all claims, liabilities, judgments, costs, damages and other expenses which may in any way arise or accrue against, be charged to or recovered from the city, its agents or employees in consequence of the permission given by the public way use permit, or any act or thing done or omitted or neglected to be done by the permittee, its agents or employees in and







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