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Legislation Details (With Text)

File #: O2021-365
Type: Ordinance **Status:** Failed to Pass
File created: 1/27/2021 **In control:** City Council
Final action:

Title: Amendment of Municipal Code Chapters 10-28 and 13-20 requiring applicants obtaining public way use and sign permits to provide affidavits affirming non-conviction of treason, sedition or subversive activities

Sponsors: Villegas, Gilbert, Reilly, Brendan, Rodriguez, Michael D., Moore, David H., Vasquez, Jr., Andre, Lopez, Raymond A., La Spata, Daniel, Ramirez-Rosa, Carlos, Martin, Matthew J., Sigcho-Lopez, Byron, Thompson, Patrick D., Sadlowski Garza, Susan, Waguespack, Scott, Taliaferro, Chris, Hairston, Leslie A., Smith, Michele, Hadden, Maria E., Curtis, Derrick G.

Indexes: Ch. 20 Building Inspection, Ch. 28 Structures On & Under Public Ways

Attachments: 1. O2021-365.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
1/27/2021	1	City Council	Referred	

Chicago City Council January 27, 2021
REFERRED TO TRANSPORTATION AND PUBLIC WAY

ORDINANCE

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

SECTION 1. Section 10-28-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

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10-28-010 Permission required.
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(a) For purposes of Sections 10-28-010 through 10-28-020, and as used in Sections 10-28-046, 10-28-065, and 10-29-020, the following definitions apply:

(Omitted text is unaffected by this ordinance)

"Controlling party" has the same meaning ascribed to that term in Section 1-23-010.

(Omitted text is unaffected by this ordinance)

"Treason, sedition, or subversive activities" means the use of force or other lawless action to overthrow the government, or the incitement of others to engage in imminent lawless action to overthrow the government, including any violation of 18 U.S.C. Chapter 115 - Treason, Sedition, and Subversive Activities (18 U.S.C. §2381 et. seq. or Article 30 of the Criminal Code of 2012. Treason and Related Offenses (120 ILCS 5/30-1 et. seq.)

(Omitted text is unaffected by this ordinance)

"Public harm" means lawless action or unlawful trespass against any person, group, or property, including a riot or other breach of the peace, assault, battery, arson, vandalism, or defacement.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 10-28-015 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and inserting the language underscored, as follows:

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 indicating the location of all public way uses on, over or under the public way for which a permit is required;
- 3) proof of the required insurance;

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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) an affidavit stating that the applicant, or any controlling person of the applicant, if applicable, has never been convicted in a judicial or quasi-judicial proceeding of treason, sedition, or subversive activities; and

(67) any other information required by the commissioner.

(Omitted text is unaffected by this ordinance)

(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 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; or (v) the applicant, or any controlling person of the applicant, if applicable, has been convicted in a judicial or quasi-judicial proceeding of treason, sedition, or subversive activities and the granting or renewal of the public way use permit would be reasonably likely to incite, promote, or serve as a nexus of public harm.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 13-20-560 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

13-20-560 Permit application.

(a) (1) For all permits issued after May 19, 2012, applications for permits to erect, install or alter signs shall be made by the owner or lessee of the real property on which the sign will be located. The application shall be signed by the applicant who shall be the owner or lessee of the real property, and the application shall include an affidavit stating that the applicant, or any controlling person of the applicant, if applicable, has never been convicted in a judicial or quasi-judicial proceeding of treason, sedition, or subversive activities. If the sign application requires engineered drawings pursuant to section 14E-6-600.28, then the sign must be installed and erected by or under the direction of a general contractor duly licensed in the City of Chicago and the application shall contain the name and license number of the general contractor that will perform or direct the installation and erection of the sign. If the sign is a dynamic image display sign or a static sign which has direct or indirect lighting, the application shall also be signed by a licensed electrical contractor. All such applications shall be made in a form prescribed by the Building Commissioner. For every permit application for a dynamic image display sign submitted on or after April 2, 2014, or for any

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application for a renewal of such permit, the applicant shall also attach the affidavit required in section 13-20-675 (d)(2).

(2) Any substantial change in information that is different from the information provided in the application for a permit to erect, install or alter any sign shall be reported to the Commissioner within 10 days of such change, including any change in: (i) the permittee of any permit issued on or before May 19, 2012, or (ii) the owner or lessee of the real property identified in any permit issued after May 19, 2012, or (iii) the name or contact information of the payer of record for a permit. Such change of information shall be submitted to the Commissioner in a form prescribed by the Commissioner in rules. For purposes of this subsection (a)(2); the term "substantial change in information" shall not include any alteration of a sign or sign structure, as defined in Section 13-20-510, which requires a new permit to be obtained for such sign or sign structure.

(3) (A) If the Building Commissioner determines that an application or any supporting documentation required for a permit under Section 13-20-550 is incomplete or otherwise deficient, the Commissioner shall notify the applicant or the applicant's agent of such fact in writing. Such notification, which shall be dated, shall explain why the application or supporting documentation is deficient. No further processing of the application shall occur until the deficiencies identified in the notification are corrected. If the deficiencies are not corrected within 120 days of the date indicated on the face of the notification, the application shall be deemed, by operation of law, to have been withdrawn. Provided, however, that upon receipt of a written request from the applicant, and for good cause shown, the Building Commissioner may extend, to a date certain, the period to cure the deficiencies identified in the notification required under this subsection. For purposes of this subsection, the terms "in writing" and "notification" shall include any electronic communication or notation in the City's electronic permit application and plan review systems that are available for viewing by the applicant or the applicant's agent.

B) If an applicant disagrees with the Building Commissioner's determination that the application or any supporting document is deficient under this Code, the applicant may file a written petition with the Commissioner to contest the deficiency. The Commissioner may promulgate rules establishing the process for contesting a deficiency.

C) No application for a new sign permit shall be accepted or otherwise processed by the Department of Buildings if any person, including but not limited to any sign company, holds a current and valid sign permit for an existing sign at the location identified in the permit application.

D) An application for a new sign permit shall be denied, or such permit shall be revoked, if the applicant, or any controlling person of the applicant, if applicable, has been convicted in a judicial or quasi-judicial proceeding of treason, sedition, or subversive activities and the granting or renewal of the public way use permit would be reasonably likely to incite, promote, or serve as a nexus of public harm.

(Omitted text is unaffected by this ordinance)

SECTION 4. This ordinance shall take effect upon passage and publication.

Gilbert Villegas Alderman, 36th Ward

Brendan Reilly Alderman, 42nd Ward