Legislation Details (With Text)

File #:	SO2017-4871		
Type:	Ordinance	**Status:**	Passed
File created:	6/28/2017	**In control:**	City Council
		Final action:	4/18/2018
Title:	Amendment of Municipal Code Sections 2-14-150 and 2-120-910 regarding penalties and remedies for violators of structural safety requirements for landmark buildings		
Sponsors:	Hopkins, Brian		
Indexes:	Ch. 14 Dept. of Administrative Hearings, Ch. 120 Commissioners & Commissions		
Attachments:	1. SO2017-4871.pdf, 2. O2017-4871.pdf		

Date	Ver.	Action By	Action	Result
4/18/2018	1	City Council	Passed as Substitute	Pass
4/12/2018	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
6/28/2017	1	City Council	Referred	

SUBSTITUTE ORDINANCE

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

SECTION 1. Section 2-120-910 ofthe Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-120-910 Penalties and remedies for violations.

~~The following penalties and remedies shall be applicable to violations of this ordinance:~~ - k

(a) Definitions. For purposes of this section:

"Contributing Acts" means an Owner's acts or omissions that significantly contribute to damage to a Structure, or any part thereof, to a degree that results in its demolition, or results in a written determination by the Department of Buildings or a tribunal of competent jurisdiction that demolition of the Structure, or any part thereof, is necessary- Indicia of Contributing Acts may include, but are not limited to!

1) An exterior element which is attached in such a manner that it might fall and injure persons or property;

2) A structural element, such as a foundation, floor, wall, column, beam, truss, or rafter,

which is:

A) Defective or deteriorated:

B) Insufficient to safely carry imposed loads; or

C) Split, sagging, leaning, listing, or buckling due to defective materials or deterioration.

3) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

4) Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering.

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5) Any system or feature, intended to protect the building and its occupants from fire and similar hazards, which is either required and absent, or present and inoperable.

6) Work carried out in the absence of, contrary to, or outside the scope of any required permits.

"Owner" shall have the definition set forth in Section 13-4-010 of the Code.

"Structure" means a building, structure, work of art, or other object that either is designated as a Chicago Landmark or is located within a district designated as a Chicago Landmark. "Structure" includes buildings, structures, works of art, or other objects that have been preliminarily designated as a Chicago Landmark or are located within a district preliminarily designated as a Chicago Landmark under Section 2-120-630 of the Code.

"Zoning lot" shall have the definition set forth in Section 17-17-02197 of the Code.

b) Penalties. Failure to perform any act required by ~~the~~ ~~ordinance~~ ~~codified in~~ this Article ~~XVII~~ or performance of any action which is prohibited by ~~said sections~~ this Article shall constitute a violation thereof. Every day on which a violation exists shall constitute a separate violation and a separate offense. Any person violating any of the provisions of this ~~ordinance~~ Article shall be subject to a fine of not less than ~~$500.00~~ $1,000.00 nor more than ~~$1,000.00~~ $2,000.00 for each offense in addition to any other fine, penalty, or remedy provided in this Code. The Commissioner of Planning and Development or his designee may issue a notice of violation for any violation of this Article, and such notice may be prosecuted in either the Department of Administrative Hearings as provided in Chapter 2-14 or in the Circuit Court of Cook County.

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c) Deterioration. It shall be a violation of this Article for the Owner of a Structure to allow said Structure to fall into a state of disrepair such that the Structure has become, or is in imminent danger of becoming, structurally compromised based on a written determination by the Department of Buildings.

d) Contributing Acts; Moratorium on new construction. It shall be a violation of this Article for the Owner of a Structure to demolish a Structure or any part thereof without first obtaining the approvals required in this Article, or to engage in Contributing Acts. While the prosecution of a notice of violation

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pursuant to this subsection (d) is pending, the Department of Buildings shall not issue a permit for new construction on the zoning lot.

If the notice of violation is prosecuted in the Department of Administrative Hearings, the relief sought shall be a determination that the Structure was subjected to Contributing Acts. I f a hearing officer makes such a determination, the Department of Administrative Hearings will provide that determination to the Buildings Commissioner, who shall not issue a permit for new construction on the applicable zoning lot for a period of two years, commencing on the date of the determination.

If the notice of violation is prosecuted in the Circuit Court of Cook County, the City may seek a judicial determination that the Structure was subjected to Contributing Acts, and an associated order imposing a moratorium on the issuance of a permit for new construction on the applicable zoning lot for a period of up to ten years.

~~In addition, if the owner of property designated a "Chicago Landmark" wilfully or through gross negligence causes all or any part of the property to be demolished or substantially destroyed or altered without the approval of the city council or the commission, as the case may be, then no permit to construct a new structure or improve said structure shall be issued for said property or for the land upon which the landmark stood within five years of the date of the demolition or alteration. Thereafter for a period of 20 years, commencing at the end of the five year period herein before stated, any application for a building permit on the subject premises shall follow the procedure heretofore set out in Section 2 120 740 through 2 120~~

2-7 Remedies. ~~Notwithstanding the provisions of subsection (1) hereof,~~ In addition to any other penalty or remedy provided for in this section, in the event any building or structure is erected, constructed, reconstructed, altered, added to or demolished in violation of this ~~ordinance~~ Article, the City of Chicago may institute appropriate proceedings to prevent or remedy such unlawful erection, construction, reconstruction, alteration, addition or demolition.

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SECTION 2. Section 2-14-150 ofthe Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-14-150 Buildings hearings division.

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a. The department of administrative hearings shall operate a system of administrative adjudication of violations of building code provisions and violations of Section 2-120-910 of the Municipal Code of Chicago.

(Omitted text is not affected by this ordinance)

SECTION 3. This ordinance shall be in full force and effect 10 days following due passage and publication.

Brian Hopkins Alderman, 2nd Ward

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