



Office of the City Clerk

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Legislation Details (With Text)

File #: O2021-1188
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File created: 3/24/2021
Status: Failed to Pass
In control: City Council
Final action: 5/24/2023
Title: Amendment of Municipal Code Chapters 10-20 and 10-32 to modify permit requirements for tree planting on public way
Sponsors: Cardenas, George A.
Indexes: Ch. 20 Work On & Under Public Ways, Ch. 32 Trees, Plants & Shrubs
Attachments: 1. O2021-1188.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
4/19/2021	1	Committee on Transportation and Public Way	Held in Committee	
3/24/2021	1	City Council	Referred	

Committee on Transportation and Public Way

City Council 3.24.21

ORDINANCE

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

SECTION 1. Section 10-20-100 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-20-100 License.

(Omitted text is unaffected by this ordinance)

(b) The public way work license specified in this section shall not be required for the placement, planting, cultivation, maintenance or removal of any tree, shrub, flower, sod or other plant material in the public way, as long as the surface disturbance requires a hole of less than six inches deep.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 10-20-150 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-20-150 Permit - Fees - Issuance.

(a) It shall be unlawful for any person to make an opening in, or to construct or repair any pavement in, any public way or other public place without first obtaining a public way work permit from the Commissioner of Transportation; provided, however, that any such opening, construction or repair may be performed by a person holding the public way work license required by this article, who is not a permittee under this section but who is acting as subcontractor for, or otherwise acting under instructions from, as agent for, on behalf of, or in

concert with, a permittee under this section. A permit fee shall be required for creating any opening in, or for constructing or repairing any pavement in, the public way. Beginning on January 1, 2009, the permit fee for creating a pavement opening or for pavement construction or repair shall be \$337.00 for each such opening to be created or each such construction or repair project. Beginning on January 1, 2009, the permit fee for creating an opening, or for construction or repair, in any parkway or unimproved portion of the public way shall be \$169.00 for each such opening to be created, or each such construction or repair project. All permit fees required under this section shall be increased by five percent per annum beginning January 1, 2010. The fee for any permit issued during the time periods specified in subsection (b) of this section shall be as the Commissioner of Transportation sets by rule in an amount that will cover the additional administrative costs associated with disrupting the recently paved public way. However, no fee shall be assessed for a permit required solely to plant trees or other vegetation.

A reinspection fee of \$100.00 shall be assessed against any person issued a permit under this section whenever the department of transportation conducts a reinspection after an initial inspection to verify compliance with the municipal code or any conditions of the permit issued under this section. A reinspection fee shall also be assessed whenever any scheduled

inspection by the department of transportation cannot take place because of the absence of, or other action or inaction, taken by the permittee.

The foregoing permit and reinspection fees, however, shall not be required of any person who has been granted the right to use the public way pursuant to a franchise ordinance approved by the City Council and which franchise ordinance specifically prohibits the imposition of such fees in addition to the compensation to be received by the City pursuant to the franchise ordinance.

(Omitted text is unaffected by this ordinance)

(g) The permit specified in this section shall not be required for:

(1) the placement, planting, cultivation, maintenance or removal of any tree, shrub, flower, sod or other plant material in the public way, as long as the surface disturbance requires a hole of less than six inches deep:

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 10-32-060 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-32-060 Permit required.

No person other than the ~~deputy~~ Deputy Commissioner shall plant, remove, trim, spray or chemically inject or treat, or in any way affect the general health or structure of a parkway tree or shrub without first having obtained a permit to do so in accordance with the provisions of this chapter; provided, however, that no permit shall be necessary for the ~~activities described in Section 10-32-050~~ routine maintenance and replacement of vegetation where soil disturbance of six inches or less is required. All permit requirements of this chapter shall be applicable to governmental agencies and to public utilities governed by an Act concerning Public Utilities, approved June 29, 1921, as amended.

SECTION 4. Section 10-32-070 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-32-070 Application for permit.

(a) Application for a permit under this chapter shall be made on a form prepared by the ~~commissioner~~ Commissioner, and shall contain the following information:

(a4d) The name and address of the applicant;
{fen(2) The address of the property adjacent to the parkway where the applicant desires to have work done;

(e)(3) The nature of the work to be done;
(d) (4) The name of the person who is to perform the work;
(e)£5) The estimated starting and completion dates of the work;
ffl(6) Such other and further information as the ~~commissioner~~ Commissioner shall deem necessary.

(b) Application for a permit under this chapter shall fulfill the requirements for an application for a permit required by Section 10-20-150 if the only disturbance of the surface is for the planting of trees or other vegetation in a parkway or median. The person who is to perform the work will still be required to get a dig ticket as required by Chapter 10-21.

SECTION 5. Section 10-20-150 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

10-32-080 Issuance of permit.

No permit shall issue for any work on a parkway unless:

- a) The application therefor is complete;
- b) The applicant or permittee shall indemnify, defend and hold harmless the City of Chicago, its officers, agents, attorneys and employees from any and all liability or claims arising from or relating to the granting of a permit and/or the performance of the work for which the permit is sought; and
- c) The person who is to perform the work presents to the ~~commissioner~~ Commissioner:
 - £JQ proof of commercial general liability insurance, with limits of not less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, naming the City of Chicago as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations: and
 - (2) proof of a valid public way work license as required by Chapter 10-20.

Alderman George A. Cardenas 12th Ward

SECTION 6. This ordinance shall be in full force and effect following due passage and publication.