



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2021-4185  
**Type:** Ordinance  
**File created:** 9/14/2021  
**Status:** Passed  
**In control:** City Council  
**Final action:** 10/14/2021  
**Title:** Amendment of Municipal Code Chapter 10-28 by adding new Section 10-28-075 regarding requirements for fences and landscape elements in parkway  
**Sponsors:** Waguespack, Scott  
**Indexes:** Ch. 28 Structures On & Under Public Ways  
**Attachments:** 1. O2021-4185.pdf

Date	Ver.	Action By	Action	Result
10/14/2021	1	City Council	Passed	Pass
10/13/2021	1	Committee on Transportation and Public Way	Recommended to Pass	
9/14/2021	1	City Council	Referred	

### ORDINANCE

Whereas, on-street parking spaces are at a premium in many neighborhoods and their safe use is beneficial to the general welfare; and

Whereas, the placement of fences and other solid landscape elements in the parkway requires a public way use permit; and

Whereas, the placement of fences and other solid landscape elements in the parkway near the curb limits on-street parking and can lead to door swing damage to vehicles; now therefore,

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

SECTION 1. Chapter 10-28 of the Municipal Code of Chicago is hereby amended by adding a new Section 10-28-075, underscored as follows:

#### **10-28-075 Fences and landscape elements in a parkway - requirements.**

a) For the purpose of this section, "parkway" has the same meaning ascribed to that term in Section 10-32-010.

b) In addition to any other applicable legal requirements, it shall be unlawful for any person to place a fence, or other solid landscape element that rises above two inches in height from the ground, in a parkway within eighteen inches of the street side face of the curb.

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j (c) The Commissioner of Transportation shall have authority to provide exceptions from the prohibition in this section in cases where the Commissioner determines that it is in the best interests of the City that fencing or solid landscaping be placed within the parkway, including, but not limited to, for construction purposes or the installation of tree pit grates and infiltrating planters.

d) This section does not apply to any fence or other solid landscape element that the City installs in the parkway nor to sidewalk cafes that are permitted by the City under Article XII of Chapter 10-28 of this Code.

e) Any person who violates this section shall be fined not less than \$50.00 nor more than \$500.00 for each offense, and each day such offense continues shall constitute a distinct and separate offense.

f) The Commissioner of Transportation is authorized to adopt rules for the proper administration and enforcement of this section.

SECTION 2. This ordinance shall be in full force and effect 10 days after its passage and publication. This ordinance shall only apply to fences and solid landscaping elements erected on the parkway on and after the effective date of this ordinance.

Scott Wagetspack Alderman, 32<sup>nd</sup> Ward

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