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Legislation Details (With Text)

File #:	O2023-2104	Status:	Introduced
Type:	Ordinance	In control:	Committee on Pedestrian and Traffic Safety
File created:	5/24/2023	Final action:	
Title:	Amendment of Municipal Code Chapter 10-8 by modifying Section 10-8-180 and adding new Article VII entitled "Chicago Plow The Sidewalks Pilot Program"		
Sponsors:	Villegas, Gilbert, Scott, Monique L., Tabares, Silvana, Rodriguez, Michael D., Mosley, Ronnie L., Lawson, Bennett R., Manaa-Hoppenworth, Leni, Silverstein, Debra L., Gutierrez, Jeylu B., Cruz, Ruth, Fuentes, Jessica, Hadden, Maria E., Martin, Matthew J., Rodriguez Sanchez, Rossana, Vasquez, Jr., Andre, Cardona, Jr., Felix, La Spata, Daniel, Hall, William E., Yancy, Desmon C., Ramirez, Julia M., Ramirez-Rosa, Carlos, Robinson, Lamont J., Sigcho-Lopez, Byron, Knudsen, Timothy R.		
Indexes:	Ch. 8 - Solicitations		
Attachments:	1. O2023-2104.pdf		

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Referred	

ORDINANCE

WHEREAS, The City of Chicago (City) is a home rule unit of government under Article VII, Section 6(a) of the Constitution of the State of Illinois, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Maintaining public safety, equal access for persons with disabilities, transit performance, economic growth, general welfare, and compliance with the Municipal Code of Chicago are matters pertaining to the government and affairs of the City of Chicago; and

WHEREAS, The City is home to approximately 2.8 million people that regularly interact or are impacted by transit and mobility access; and

WHEREAS, Other American cities, like Rochester and Syracuse, NY, and Holland, MI, and larger- sized Canadian cities like Montreal and Toronto, have demonstrated prioritization of infrastructure for all through their municipal snow removal practices; and

WHEREAS, The adoption of the Chicago Plow The Sidewalks Pilot Program is anticipated to result in safe and equitable transit and mobility access throughout the City, while also, increasing economic opportunity within the selected pilot areas; and

WHEREAS, To protect the safety of the public, increase accessibility, and further City commitments, it is appropriate to establish the Chicago Plow The Sidewalks Pilot Program within the City; now, therefore,

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

SECTION 1. The above recitals are incorporated herein and made a part hereof.

SECTION 2. Section 10-8-180 of the Municipal Code of Chicago is hereby amended by inserting the

language underscored, and by deleting the language struck through, as follows:

10-8-180 Snow and ice removal.

(Omitted text unaffected by this ordinance)

(b) Any person who violates this section shall be fined not less than \$50.00 nor more than \$500 for each offense, and each day such offense shall constitute a distinct and separate offense.

(11 Exemption. This penalty shall not apply to any person failing to comply with this Section for property located in an active pilot area under the Chicago Plow The Sidewalks Pilot Program during the term of the pilot pursuant to Article VII of this Chapter.

SECTION 3. Chapter 10-8 of the Municipal Code of Chicago is hereby amended by inserting new Article VII, as follows:

ARTICLE VII. CHICAGO PLOW THE SIDEWALKS PILOT PROGRAM

10-8-605 Definitions.

As used in this Article, the following definitions shall apply:

"Program" means the Chicago Plow The Sidewalks Pilot Program established under this Article.

"Department" means the Department of Streets and Sanitation, or its successor Department.

"Commissioner" means the Commissioner of the Department of Streets and Sanitation, or its successor Department, or the Commissioner's designee.

"Zone" means prioritized pilot areas considered in Section 10-8-615.

10-8-610 Purpose - Establishment of Program.

This Article shall be known and may be cited as the "Chicago Plow The Sidewalks Pilot Program Ordinance". The Department is authorized to establish and administer the Program in accordance with this Article. It is the purpose of the Program to clear snow and ice from sidewalks to further safe and equitable transit and mobility access that increases economic opportunity within selected pilot area and to educate City residents on the Program's impact on general welfare, community and government collaboration, social and economic benefits, City revenue, and business engagement.

10-8-615 Pilot Area.

(a) During the term set forth in Section 10-8-650, the Department shall operate the Program in a pilot area made up of six zones, each covering a minimum of 2.5 square-miles.

(b) The Department, in consultation with applicable City departments and offices, shall establish criteria for the zones, including the following priorities:

- (1) Areas with a high concentration of individuals above the age of 65;
- (2) Areas with high public transit ridership;
- (3) Areas with a significant number of zero-car households;
- (4) Historically disinvested areas;
- (5) Areas with a high concentration of low-income households; and

(6) Areas with a high concentration of families with children under the age of 5.

(c) After finalizing the criteria under subsection (b) of this section, the Department shall, in consultation with applicable departments and offices, alderpersons, and relevant stakeholders, establish the zones in which the Program will operate for the first year. At a minimum, the initial pilot area shall include two zones specifically designed for providing sidewalk snow and ice clearance for persons with disabilities, and two zones designed to prioritize population-dense areas. By September 1, 2024, the Department shall establish the zones for the second year of the program in coordination with the advisory committee established under Section 10-8-630.

10-8-620 Regulatory Authority.

(a) Promulgation of Standards. The Department shall compile, regularly update, and make available for public inspection on its website the Program standards. The initial Program standards shall be promulgated no later than 120 days after enactment of this Article, but shall, at a minimum, require Department personnel to remove snow and ice from any sidewalks and any sidewalk ramps intersecting such sidewalks in the pilot area.

In promulgating the Program standards, the Department shall: (i) consult with disability community experts; transportation experts; public health experts; federal, State, and local regulatory mandates; community organizations; and other sources as determined by the Commissioner; and (ii) provide a meaningful forum for public input and comment on the current regulations and any proposed changes. The Department shall solicit feedback on the Program standards not less than once per year, regardless of whether the Department has proposed changes to the regulations.

(b) The Department may promulgate other rules and regulations necessary to administer this Article. Any rulemaking activity related to this Article shall include a meaningful forum for public input and comment. The subject of rulemaking activities shall include, but is not limited to:

- (1) Clarifying the composition and role of the advisory committee and participating community organizations under this Article;
- (2) Establishing eligibility criteria for the selection of zones;
- (3) Establishing goals of the Program; and
- (4) Establishing a study and criteria for measuring of Program success.

(c) Notification. The Commissioner shall notify the alderperson of each ward that is located or partially located within the pilot area no less than 30 days prior to implementation of the Program.

10-8-625 Education and Outreach Activities.

(a) Partnership with Community Organizations. The Department shall work with and support community organizations to reach out to residents and educate them about the Program, including through community events, notices and flyers, and help lines. Each participating community organization seeking to become listed under this Section shall be required to undergo Department-sponsored training about the Program.

(b) Comments and Recommendations from Community Organizations. The Department shall establish a process by which participating community organizations may regularly provide comments and recommendations to the Department about the Program.

(c) Any time property is added or removed from the pilot area, the Department shall make reasonable efforts to notify affected residents of their obligations under Section 10-8-180 of this Code within 30 days before such change.

10-8-630 Advisory Committee.

(a) Establishment of an Advisory Committee. The Department shall establish an advisory committee no

later than 60 days after enactment of this Article. The advisory committee shall be comprised of representatives of at least six community organizations serving different neighborhoods in the City, including at least one disability community advocacy representing the entire City, at least one transportation advocacy representing the entire City, at least one public health expert, and such other experts and organizations that the Department deems necessary and proper.

(b) **Participant Selection of Advisory Committee.** In selecting persons or organizations to participate in the advisory committee, the Department shall promote the representation of diverse geographic areas, populations, and interests affected by the Program.

(c) **Purpose of Advisory Committee.** The purpose of the advisory committee is to assist with the implementation and administration of the Program, including by:

- (1) Educating and engaging community members about the Program;
- (2) Providing ongoing comment, recommendations, and consultation to the Department regarding operations and activities under this Article;
- (3) Reviewing and providing comment and recommendations on Program data collected by the Department, including the processes for collecting and analyzing such data; and
- (4) Participating in Departmental and external evaluations of the Program.

(d) **Regular Meetings.** The advisory committee shall meet no less than quarterly during the term of the Program. A record of the meetings shall be made publicly available, including on the Department's website.

(e) **Stipends.** The Department shall pay a reasonable stipend to members of the advisory committee, in a manner and amount as the Department shall determine by rule from time to time, together with reimbursement or payment of out-of-pocket expenses associated with attendance at advisory committee meetings and functions.

(f) **Transparency.** The meetings and activities of the advisory committee shall be subject to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., and the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

10-8-635 Study.

Residents of the pilot area may be asked to voluntarily share information connected to the Program. Using that information, the Department shall prepare a statistical and financial report that analyzes the impacts of the Program on the pilot area and the City as a whole, including general welfare, community and government collaboration, social and economic benefits, City revenue, and business engagement.

The Department may enter into an agreement with a third-party to complete this study upon consideration and discussion with the advisory committee.

10-8-640 Resident Protections.

No information gathered through the Program, including information obtained, acquired, or learned that concerns individual residents of pilot area, including immigration status, in connection with shared information to the Program, otherwise by consent or other circumstances, may be disclosed to any other City Department or local, State, or federal law enforcement or social services officials.

10-8-645 Report to City Council.

No later than May 1, 2025, the Chicago Department of Streets and Sanitation, upon consideration and discussion with the advisory committee, shall submit a written report to the City Council Committee on Pedestrian and Traffic Safety regarding the performance of the Program.

The report shall include, at a minimum, information to assess the impact of the Program and the future Program zones on the following: general welfare; community and government collaboration; social and economic benefits; City revenue; business engagement; and other relevant outcomes.

The report shall also make recommendations to the City Council regarding the establishment of a permanent Chicago Plow The Sidewalks Program, or identify any outstanding findings a new pilot program could better assess in determination of the establishment of such permanent program.

10-8-650 Term.

The term of the Program shall commence on the effective date of this Article and shall end on March 15, 2025, unless prior to that date the City Council adopts an ordinance providing continuation or expansion of the Program.

SECTION 4. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code, or part thereof, conflicts with the provisions of this ordinance, the provisions of this ordinance shall control. If any selection, paragraph, clause, or provisions of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this ordinance. SECTION 5. This ordinance shall take effect upon passage and publication.

GILBERT VILLEGAS Alderman, 36th Ward

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