



Office of the City Clerk

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Legislation Text

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OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL
MAYOR

November 18, 2015

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF
CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Public Health, I transmit herewith an ordinance amending Chapter 11-4 of the Municipal Code regarding asbestos abatement.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

ORDINANCE

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

SECTION 1. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

11-4-2170 Demolitions and renovations: permit and notification requirements; performance standards for asbestos abatement; control and disposal of dust and debris.

(a) Demolition of buildings, facilities or other structures: notice of intent to demolish required. No demolition of a building, facility or other structure shall be initiated within the city unless a written notice of intent to demolish, accompanied by the fee required by this section, has been filed with, and approved by, the department of health at least ten working days prior to the commencement of demolition. The ten working day period shall not apply if the building, facility or other structure to be demolished has been found to be structurally unsound and in danger of imminent collapse by the building commissioner or state authority or court of competent jurisdiction; provided, however, any person or contractor demolishing such building, facility or other structure shall file a written notice with the department of health regarding such demolition as soon as practicable, and must have a properly licensed asbestos abatement contractor on site during the demolition.

(1) Notice contents: The notice of intent to demolish shall be in such form as prescribed by the commissioner. ~~The owner(s) of any building, facility or other structure to be demolished shall sign the notice of intent to demolish together with any contractor or other person retained or otherwise authorized by the owner(s) to perform the demolition.~~ At a minimum, the notice of intent to demolish shall include the following information:

i) The name, telephone number, e-mail address, and address of every person having an ownership interest in the building, facility or other structure to be demolished or the land upon which the building, facility or other structure is situated;

ii) The name, telephone number, e-mail address, and address of every contractor or other person performing the demolition;

iii) ~~A sworn statement signed attested to by each applicant that the applicant agrees agreeing to comply with the notification requirements set forth in subsection (e)(3) of this section;~~

iv) ~~A sworn statement signed attested to by each applicant that discloses whether the demolition will occur at a building containing asbestos. Before making such sworn statement, if the building is a facility, the applicant shall have the building inspected by a licensed asbestos professional, or, if the building is not a facility, the applicant, at a minimum, shall have the contractor or other person performing the demolition conduct a visual inspection of the building, to detect the presence of asbestos in or on the building. If the demolition will occur at a building containing asbestos, the sworn statement shall include a representation that the applicants will comply with the performance standards set forth in subsection (e) of this section, if applicable, and the disposal requirements set forth in subsection (d)(2) of this section;~~

(Omitted text is unaffected by this ordinance)

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(xiii) The name, address, 24-hour contact telephone number, and, if available, the fax number and e-mail address, of a person with responsibility over the project.

2) Posting permits: The demolition permit required pursuant to Section 13-32-010 of this code must be posted in a conspicuous place at the demolition site.

(Omitted text is unaffected by this ordinance)

e) ~~Performance standards for facility demolitions or renovations requiring asbestos abatement.~~
(Omitted text is unaffected by this ordinance)

3) Notification required: Any person performing asbestos abatement at any facility within the city shall provide the department with notice of the abatement by submitting the following forms at least 10 working days prior to the commencement of the abatement and such notice shall be accompanied by the environmental review fee required by this section: (i) a fully completed copy of the asbestos abatement notification form prescribed by the commissioner, and (ii) in the case of a demolition of a facility with ACM, a fully completed and signed certified notice of intent to demolish form, in accordance with subsection (a) of this section. In the event the asbestos abatement does not begin on the date in the notice, the person shall comply with subsection (f) for rescheduling of the date. If the abatement is performed as part of an emergency renovation operation, as defined in 40 CFR § 61.141, the notification must be submitted as soon as possible, but no later than the following work day.

f) *Rescheduling of demolition or asbestos abatement starting dates.*

1) Later start dates: In the event that any owner or operator intends to begin a demolition at a date later than the start date contained in any notification required to be filed under this section, then that person must: (i) no less than one business day in advance of the original start date notify the department that the demolition or asbestos abatement will not begin on the original start date ~~by telephone or fax as soon as possible before the original start date~~; and (ii) provide written notification to the department of the new start date at least ten working days prior to the new start date.

2) Earlier start dates: In the event that any owner or operator intends to begin a demolition or asbestos abatement at a date earlier than the start date contained in any notification required to be filed under this section, then that person must provide written notification to the department of the new start date at least ten working days before the demolition or asbestos abatement work begins.

3) Unscheduled work prohibited: In no event shall a demolition or asbestos abatement operation work begin on a date or time other than the date and time contained in the ~~written~~ notice of the new start date unless authorized pursuant to the emergency provisions set forth in Subsection (a) or (c)(3) of this section.

(Omitted text is unaffected by this ordinance)

(j) Notifications-method of submittal: Notifications required by this section to be submitted to the city shall be made through the City's on-line permit portal as designated in rules.

11-4-2200 Violations - Public nuisance - Civil penalties - Joint and several liability.

(a) Civil penalties. Violation of any of the provisions of this article is hereby declared to be a public nuisance. Any person found to have violated any of the provisions of this article shall be assessed a civil penalty in accordance with the following schedule. Schedule:

<i>Violation Type</i>	<i>Residential Structures With Four or Fewer Units</i>	<i>Residential Structures With More Than Four Units</i>	<i>All Other (Non Residential) Facilities, Structures or Architectural Surfaces</i>
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(Omitted text is unaffected by this ordinance)

Failure to comply with provision of Subsections 11 -4-2170(f)(1 Xh)» H-4-2170(f)(2), 11-4-2170(f)(3) or Subsection 11-4-2190(e)

Not less than \$2,000.00 and not more than \$5,000.00
Not less than \$5,000.00 and not more than \$10,000.00
Not less than \$5,000.00 and not more than \$10,000.00

(Omitted text is unaffected by this ordinance)

Failure to maintain documentation on site required under Subsection 11-4-2170(a)(2) or Subsection 11-4-2190(a)(2), ~~or failure to comply with subsection 11-1-2170(f)(1)(i)~~

Not less than \$250.00 and not more than \$500.00
Not less than \$500.00 and not more than \$1,000.00
Not less than \$500.00 and not more than \$1,000.00

(Omitted text is unaffected by this ordinance)

SECTION 2. This ordinance shall take effect upon its passage and approval.