



# Office of the City Clerk

City Hall  
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## Legislation Text

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### ORDINANCE

WHEREAS, the City of Chicago is known for its beauty and is improved by landscaping that is aesthetically pleasing, supports environmentalism, and promotes the unique natural identity of its neighborhoods; and

WHEREAS, the City seeks to encourage tree planting in the public way by private individuals and Not-For-Profit organizations; and

WHEREAS, prior inconsistencies in the Municipal Code of Chicago caused those seeking to donate and plant trees in the public way, to pay permit fees as a result of a donation; and

WHEREAS, The City desires to remove permit and license fees associated with donating and planting a tree in the public way in the City, now therefore,

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

SECTION 1. Section 10-20-150 of the Municipal Code of Chicago is hereby amended inserting the language underscored, 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 twice the normal fee.

*(Omitted text is unaffected by this ordinance)*

(g) The permit fee 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 if the permittee:

a) is a not-for-profit organization having tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code and recognized under State of Illinois Not-For-Profit Law: and

b) is not installing or maintaining any tree, shrub, flower, sod or other plant material in the public way as a result of undertaking or allowing the construction upon, improvement to, or use of any property subject to Chapter 17-11, the Chicago Landscape Ordinance.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 10-32-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, 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 proof of liability insurance in the minimum amount of ~~\$50,000.00 for bodily injury and \$100,000.00 for property damage~~ \$1,000,000.00 per occurrence, naming the City of Chicago as additional insured.

SECTION 3. This ordinance shall take effect following passage and publication.

Michele Smith