



Office of the City Clerk

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Legislation Text

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ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Chicago has been a model and a leader for fire prevention strategies and safety regulations pertaining to carbon monoxide levels in dwellings and buildings; and

WHEREAS, the City of Chicago has maintained this distinction since the time of the Great Chicago Fire, which burned from Sunday, October 8, to Tuesday, October 10, 1871, killing three hundred residents and leaving more than one-hundred thousand homeless; and

WHEREAS, the City of Chicago has required smoke detectors in all dwellings since March 21, 1977, when the City Council of Chicago adopted the requirement by ordinance; and

WHEREAS, the City of Chicago has required carbon monoxide detectors in all dwellings since March 2, 1994, well before Illinois Law required the same as late as 2007; and

WHEREAS, the Council of the City of Chicago has not forgotten, nor will it ever forget Our Lady of the Angels school fire on December 1, 1958 which took the lives of ninety-three pupils and three nuns; and

WHEREAS, the Council of the City of Chicago passed a law requiring that a fire alarm box be installed in front of schools and other public assembly venues in the immediate aftermath of the fire at Our Lady of the Angels school; and

WHEREAS, on Sunday, August 26, 2018 a fire started in Chicago's Little Village neighborhood, which killed ten children, ranging from three months to sixteen years old; and

WHEREAS, according to the Chicago Sun-Times, the fire occurred in an apartment which had no working smoke detectors and whose owner was not due in court until late September; and

WHEREAS, the loss of a single life in this way is unacceptable, several months is far too long a time frame to replace a smoke detector; and

WHEREAS, the City of Chicago has a number of initiatives to ensure universal access to detectors; and

WHEREAS, for example the City of Chicago offers free smoke and carbon monoxide detectors for residents sixty-five years old and over; and

WHEREAS, the Illinois Fire Safety Alliance has a program to distribute ten-year, sealed battery fire alarms to fire departments in Illinois for distribution to the public; and

WHEREAS, the Red Cross installs a number of free smoke alarms for those who demonstrate financial need; and

WHEREAS, the Chicago Fire Department and the City of Chicago are providing free accessible smoke detectors for people who are deaf or hard-of-hearing; and

WHEREAS, the immediate maintenance and/or replacement of smoke and carbon monoxide detectors is essential to saving lives and preventing serious injury; and

WHEREAS, administrative law proceedings may take many months; and

WHEREAS, the City desires to provide an expedited process for the handling of cases which pertain to smoke and carbon monoxide detectors; and

WHEREAS, the City of Chicago aspires always to be at the forefront of fire prevention strategies and safety regulations pertaining to carbon monoxide death prevention; NOW THEREFORE,

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

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Section 2-14-074 of the Municipal Code of Chicago is hereby amended by adding underscored language as follows:

2-14-074 Notice.

a) Before any administrative adjudication proceeding may be conducted, the parties shall be afforded notice in compliance with this section.

b) Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing shall specify on the notice his or her name and department: where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; and the section of the code or departmental rule or regulation which was allegedly violated; and shall certify the correctness of the specified information by signing his or her name to the notice. A notice of hearing shall also include the date, time and location of the hearing and the penalties for failure to appear at the hearing.

c) Unless otherwise provided by law or rule, a notice of violation or notice of hearing shall be served upon the alleged violator no less than seven calendar days prior to the date of the hearing, provided however that a notice of violation or a notice of hearing involving Municipal Code Sections 13-64-120 through 13-64-280, or 13-196-100 through 13-196-165 shall be served no less than three (3) days prior to the hearing ;(i) by first class or express mail or by overnight

carrier at the violator's residence address or, if the violator is a business entity, at any address identified for its registered agent or at its principal place of business; or (ii) by personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or (iii) if service cannot be made by either of (i) or (ii) above, when the alleged violator is the owner or manager of the property by posting a copy of the violation notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the violation notice in a prominent place upon the property where the violation is found.

(d) In all non-emergency situations, if requested by the respondent, the respondent shall have at least 15 days after the date of mailing or other service of a notice of violation or notice of hearing to prepare for a hearing. For purposes of this section, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety or welfare. "Non-emergency situation" shall not include claimed violations of Municipal Code Sections 13-64-120 through 13-64-280, or 13-196-100 through 13-196-165.

SECTION 3. Chapter 2-14 of the Municipal Code of Chicago is hereby amended by inserting a new section 2-14-160 as follows:

2-14-160 Expedited Administrative Procedures.

For claimed violations of Municipal Code Sections 13-64-120 through 13-64-280. or 13-196-100 through 13-196-165 the provisions of this chapter shall apply except as follows:

a) First Appearance. The alleged violator shall have a first appearance before an administrative law officer within seven (7) calendar days of the notice of violation or notice of hearing, where an action has not been initiated in another court of competent jurisdiction on the same matter.

b) Continuances. For purposes of this section, the director shall establish rules for what constitutes good cause for a continuance, limits on the number of continuances allowed, and a maximum number of days allowed per continuance. The administrative law officer shall identify the specific elements of good cause in his or her findings granting a continuance.

c) Default Orders. The provisions of section 2-14-108 shall apply except that a petition to set aside shall be filed within seven (7) days and a hearing set within (7) days.

SECTLON 4. This ordinance shall take effect sixty (60) days after its passage and approval.